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Security Council

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Third report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq.

2. Since the adoption of resolution 1284 (1999) on 17 December 1999, I have submitted two reports (S/2000/347 and Corr.1 and S/2000/575). On 17 August 2000, the high-level Coordinator, Ambassador Yuli Vorontsov, briefed the Security Council on the repatriation or return of all Kuwaiti and third-country nationals or their remains. The present report covers issues of both the missing persons and the return of all Kuwaiti property and provides a brief account of the situation regarding these files one year after the adoption of the aforementioned resolution.

II. Background

3. In my annual report on the work of the Organization,[1] it is noted that in its resolution 1284 (1999) the Security Council also reiterated Iraq's obligation to repatriate all Kuwaiti and third-country missing nationals and to return all Kuwaiti property. Iraq had not agreed to cooperate with the high-level Coordinator I appointed to deal with those issues, and the matter remained unresolved. This remains the Iraqi position to date.

4. During the reporting period, Ambassador Vorontsov continued his efforts aimed at facilitating the process of ascertaining the fate of all Kuwaiti and third-country nationals missing since the Gulf war, as well as the return of all Kuwaiti property. At the briefing on 17 August, he updated the members of the Security Council on his activities and contacts since the submission of the reports mentioned in paragraph 2 above. Those contacts included meetings with Giuseppe Baldossi, Political Director of the Foreign Ministry of Italy, Monsignor Celestino Migliore, Under-Secretary of the Secretariat of State of the Holy See, Peter Hain, Minister of State of the Foreign Office of the United Kingdom of Great Britain and Northern Ireland, Igor S. Ivanov, Foreign Minister of the Russian Federation and Loic Hennekinne, Secretary-General of the Foreign Ministry of France. Ambassador Vorontsov also met with Duaij Al-Anzi, Director-General of the National Committee for Kuwaiti missing and prisoner of war (POW) affairs, and Jean-Claude Aimé, Executive Secretary of the United Nations Compensation Commission (UNCC) in Geneva.

5. It will be recalled that the Coordinator has consistently emphasized that the humanitarian nature of the issue of missing persons should not be politicized and that the International Committee of the Red Cross (ICRC) should continue to play a central role in finding a solution to this problem. While respecting the Coordinator's mandate and efforts, ICRC remains convinced that the independence and confidentiality of its activities agreed upon by the members of the Tripartite Commission are essential conditions for a dialogue with the parties concerned. In this connection, the Coordinator had received a letter from ICRC stating that it would not be in a position to

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assist the Secretary-General in reporting to the Security Council on the issue of missing persons. Following my contacts with the ICRC President on 2 October, cooperation between the United Nations and ICRC has been enhanced.

6. Since the issuance of my first report pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/347 and Corr.1), the Tripartite Commission has held meetings in Geneva, on 3 May, 21 June and 31 October 2000, without the participation of Iraqi representatives, who maintained that they would not attend the meetings of the Commission, nor those of the Technical Subcommittee, as long as those meetings were to be attended by countries that had no missing persons. In this connection, I would like to stress that the Tripartite Commission remains a valuable instrument for the resolution of the humanitarian issue of all missing persons and to express the hope that Iraq would be able to resume its participation in those bodies at the earliest date.

7. Ambassador Vorontsov's interlocutors among the members of the Tripartite Commission have pointed out that Iraq's past cooperation with this mechanism had demonstrated that, with all members participating, progress could be made on a non-political, humanitarian basis. They hoped that the Coordinator would help to secure renewed Iraqi participation in the meetings of the Tripartite Commission, as well as of the Technical Subcommittee, and supported his efforts, including contacts with the Organization of Islamic Conference (OIC), the League of Arab States and the Non-Aligned Movement. It was also emphasized that the efforts of the high-level Coordinator remained separate from those of the Tripartite Commission process, but were complementary to it.

8. The members of the Tripartite Commission (except for Iraq) strongly urged that regular contacts be continued between ICRC and the high-level Coordinator. In their view, resolution 1284 (1999) provides an opportunity to utilize his experience in order to reach an acceptable formula for resuming the search for the missing persons with active participation by all members of the Commission under ICRC chairmanship.

9. The Coordinator has consistently expressed his readiness to meet Iraqi officials inside or outside Iraq, of which the Iraqi authorities are no doubt aware. A direct dialogue is indispensable in clarifying questions pertaining to the resolution of the issues of the repatriation or return of Kuwaiti and third-country nationals and the return of all Kuwaiti property.

10. Since the appointment of the Coordinator, I have had several meetings with him to discuss his mandate and activities. He attended the Millennium Summit of the General Assembly in order to widen contacts with Member States.

III. Overview of recent activities related to the repatriation or return of Kuwaiti and third-country nationals or their remains and the return of Kuwaiti property

11. In my meetings with dignitaries attending the Millennium Summit, I have repeatedly raised the issue of Kuwaiti missing persons and properties, and requested that all necessary assistance and cooperation be extended to the high-level Coordinator. The Minister for Foreign Affairs of Iraq, Mohammed Said Al-Sahaf, reiterated to me that his country would not cooperate with anyone affiliated with resolution 1284 (1999), which continued to be rejected by Iraq. However, before my visit to Qatar to attend the OIC summit on 12 and 13 November 2000, the Permanent Representative of Iraq, Saeed Hasan, welcomed a comprehensive dialogue with the United Nations.

12. While attending the OIC summit, I had several high-level exchanges on the issue of Kuwaiti missing persons, including with the Deputy Chairman of the Revolutionary Command Council of Iraq, Ezzat Ibrahim. In my contacts with Iraqi representatives, I encouraged them to cooperate on the issue of missing persons and properties, including the national archives. If Iraq were to cooperate on these humanitarian issues, it could have a positive effect on the overall situation and would be a step in the right direction.

13. During my meeting in Doha with the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, he expressed the hope that the issue of Kuwaiti missing persons and properties remained high on the United Nations agenda. I reaffirmed to him that these humanitarian issues remained priorities and expressed my appreciation for Kuwait's cooperation extended to the Coordinator.

14. Many interlocutors referred to the meeting of foreign ministers of the Gulf Cooperation Council held in Jeddah in September 2000, where they urged the Iraqi Government to respond to and to cooperate with Security Council resolution 1284 (1999), in particular, on the issue of repatriation and return of Kuwaiti and Saudi nationals, as well as of Kuwaiti property. In its final communiqué, participants in the OIC summit noted that in the implementation of the obligations stipulated in international and humanitarian law and relevant Security Council resolutions, the Conference called for the prompt resolution of the issue of Kuwaiti prisoners and missing persons as well as the nationals of other countries in collaboration with ICRC. It also called for cooperation on the proposals made by Iraq concerning missing Iraqi nationals under the auspices of ICRC.

15. During my meeting in New York on 31 August with the Speaker of the Kuwaiti Parliament, Jassem Mohammad Al-Khorafi, the issue of Kuwaiti missing persons was addressed in detail. The Speaker appreciated the role played by the United Nations in this humanitarian issue and expressed the hope that the Security Council would continue to pursue the search for the missing persons. He stressed that his country considered this issue as entirely humanitarian, and therefore it should be separated from any other disputes relating to Iraqi-Kuwaiti relations. The Speaker reiterated this position to the Coordinator during his recent visit to Kuwait.

16. I have also taken note of the recent visit to Baghdad of the Iranian Foreign Minister, Kamal Kharrazi, during which it was agreed to reopen the files on prisoners of the 1980-1988 conflict between Iraq and the Islamic Republic of Iran. Both countries conducted talks with ICRC aimed at the exchange of remaining POWs. Ambassador Vorontsov met in New York with Dr. Kharrazi.

17. On the margins of the Millennium Summit, the Coordinator had numerous discussions on the issue of Kuwaiti missing persons and property with a view to exploring new venues of cooperation aimed at the earliest resolution of this humanitarian matter. Ambassador Vorontsov met with the First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait, Sheikh Al-Sabah, the Minister for Foreign Affairs of Jordan, Abdel-Elah Khatib, the Under-Secretary of State of the United States of America, Thomas Pickering, the Secretary-General of the League of Arab States, Ahmed Esmat Abdel-Meguid, the Secretary-General of the Organization of the Islamic Conference, Azzedine Laraki, and other dignitaries.

18. The Coordinator visited Geneva from 31 October to 2 November, where he met the President of ICRC, Jakob Kellenberger, and some members of the Tripartite Commission. Dr. Kellenberger noted that despite numerous bilateral contacts between ICRC and the parties concerned, there had been no significant progress, except for the case of the missing Saudi pilot. The ICRC President stated that he had no objection in principle to contacts with the Coordinator.

19. From Geneva, the Coordinator proceeded to Kuwait, where he stayed from 2 to 6 November. There he was received by the First Deputy Prime Minister and Minister for Foreign Affairs, Sheikh Al-Sabah, the Deputy Prime Minister and Minister of Defence, Sheikh Salem Sabah Al-Salem Al-Sabah. He also met with representatives of the National Committee for Missing and POW Affairs and with the Force Commander of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), Major General John A. Vize. Ambassador Vorontsov's interlocutors expressed profound concern over the plight of the missing Kuwaiti and third-country nationals. It was emphasized that the issue should be dealt with as a strictly humanitarian one and that its politicization should be avoided. There was a distinct sense of urgency that the resolution of the humanitarian issue of the Kuwaiti and third-country missing persons should not be further delayed.

20. Ambassador Vorontsov was informed of various reports received by the Kuwaiti authorities on some locations in Iraq where several missing persons, whose names had not been revealed, might be held. My interlocutors and those of the Coordinator's among the ministers for foreign affairs of some Arab countries indicated that when they had raised the question of missing Kuwaiti persons on the Iraqi territory with the Deputy Prime Minister of Iraq, Tariq Aziz, he had denied that he was aware of reports of this nature. However, he indicated that Iraq might request "an Arab body" to conduct the search for such missing persons.

21. It will be recalled that the Coordinator, in his briefing to the Security Council on 17 August, pointed to the intense exchanges on the issue of the missing persons between the Kuwaiti and Iraqi authorities (see

S/2000/478, S/2000/502, S/2000/622, S/2000/686 and S/2000/735). In this context, some members of the Council have observed that the international community should not be selective and that all missing persons, whether Kuwaitis, Iraqis or others, should be taken into account. The Coordinator, on this occasion, reiterated that his mandate, as defined by resolution 1284 (1999), was limited to Kuwaiti and third-country nationals and that the search for the Iraqi missing persons should be conducted through the mechanisms of the Tripartite Commission and ICRC.

22. In this connection, while in Geneva, Ambassador Vorontsov brought to the attention of ICRC a non-paper prepared by the Secretariat on recent contacts between the Iraqi representatives and the Force Commander of UNIKOM. The Iraqi authorities expressed interest in recovering the bodies of Iraqi nationals buried in a number of locations in the demilitarized zone. On 11 October, a senior Iraqi liaison officer requested and received assistance from UNIKOM in locating four grave sites within the demilitarized zone, three on the Iraqi side and one on the Kuwaiti side. The Iraqi officials maintained that all soldiers buried there were Iraqi nationals, but no estimate of the numbers was provided.

23. Both the Minister for Foreign Affairs and the Minister of Defence of Kuwait informed the Coordinator that their Government would consider this matter as a humanitarian issue and therefore would react positively to any Iraqi approach in that regard. From contacts the Secretariat has had with the Iraqi representatives, it is understood that Iraq does not seek a United Nations role in this matter, except for the facilitation of access to the grave sites by UNIKOM.

24. I have also taken note of the developments in the case of a missing Saudi pilot. For several years ICRC concentrated its efforts on organizing a joint Iraqi-Saudi operation to retrieve the remains of a Saudi pilot whose plane had crashed in Iraq during the Gulf war. The remains of a Saudi pilot were found in late October under ICRC auspices. The Head of the Committee for Saudi Prisoners of War in Iraq, Prince Torki Ben Mohammed Ben Saud Al-Kabir, stated on this occasion that a search team of experts had been accompanied by officials from Saudi Arabia and Iraq. Djordje Drndarski, deputy representative of ICRC in Baghdad, said that an examination of the remains would be carried out to confirm identity. The recovery operation indicates a path to be taken by interested parties in the field of cooperation on the issue of missing persons.

25. The Coordinator maintained contacts with the leadership of the League of Arab States (see A/55/401, para. 3) and the Organization of the Islamic Conference. During a conversation with Ambassador Vorontsov in New York, the Secretary-General of the Arab League, Ismat Abdel-Meguid, stated that the disclosure of the whereabouts of the POWs and missing persons in Iraq would put an end to this humanitarian and social issue and would contribute to settling differences between Iraq and Kuwait.

26. The Secretary-General of the League of Arab States was subjected to criticism by Iraq for placing the issue of the Kuwaiti missing persons at the top of his priorities. On 3 September, the Minister for Foreign Affairs of Iraq, Mr. Al-Sahaf, stated that the Secretary-General of the League of Arab States was constantly bringing up in his reports the problem of missing Kuwaitis without ever mentioning the 1,150 Iraqis missing in Kuwait and Saudi Arabia. Speaking in Cairo at the conclusion of the meeting of Arab Foreign Ministers on 4 September 2000, Dr. Abdel-Meguid reiterated that Iraq was obliged to solve the issue of the Kuwaiti and third-country nationals missing in Iraq and to implement resolution 1284 (1999). He denied that démarches regarding the Iraqi missing persons had been ignored by his Organization and stressed that the Arab League supported the efforts of the Tripartite Commission, which he said was addressing the matter.

27. The Special Rapporteur of the Commission on Human Rights, Andreas Mavrommatis, had discussions with Iraqi and Kuwaiti officials on the issue of the missing persons (see A/55/294, paras. 30-43) last summer. He pointed out that Iraq was willing to extend its cooperation to ICRC and to have bilateral meetings with representatives of Kuwait.

28. In a letter dated 2 November 2000 (A/C.3/55/5) the Permanent Representative of Iraq transmitted the response of the Government of Iraq to the report of the Special Rapporteur. Regarding the Kuwaiti missing persons, the response stated that Iraq was continuing to search and inquire for missing persons of all nationalities, including Kuwaitis, and that Iraq affirmed its readiness to continue to inquire as to the fate of the Kuwaiti and other missing persons, in cooperation with ICRC and with those members of the Tripartite Commission that actually did have cases of missing

persons. The Government of Iraq appreciated the initiative taken by the Special Rapporteur in addressing the issue of the Iraqi missing persons.

29. After considering the report of the Special Rapporteur, the General Assembly, on 4 December 2000, adopted resolution 55/115 in which it called upon the Government of Iraq to cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, and to cooperate with the Coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property.

30. As regards the return of Kuwaiti property, Iraq continues to maintain that it has returned a large part of the property found in Iraq and has expressed its readiness to return what it might find in the future. Iraq also noted that persons whose property was not returned could file compensation claims with UNCC. In Iraq's view, progress could be achieved in UNCC, and the Coordinator should examine this aspect of the problem more closely. Kuwait maintains that the return of the national archives, military equipment and museum items remains the highest priority. Unfortunately, there has been no progress on the priority issues. The list of items belonging to the archives is annexed to the present report.

31. It will be recalled that the Permanent Representative of Kuwait to the United Nations informed a Security Council panel on prisoners of war and Kuwaiti property, which was established under the chairmanship of Ambassador Celso L. N. Amorim of Brazil, that no private property had been returned, but that claims for compensation had been presented to UNCC. He clarified that while much of the property would be subject to claims at UNCC, the main problem, namely, return of the national archives and military equipment, was essential. Museum items could not be compensated for because of their uniqueness.

32. The Coordinator has taken note of the conclusions made by the panel that the UNCC could address only the issue of those replaceable items that are claimed to have been lost in Iraqi possession. The UNCC officials indicated to Ambassador Vorontsov that in some cases Kuwait might face difficulties in providing evidence, given the destruction or loss of documentation during the period of Iraq's occupation and withdrawal from Kuwait.

33. While visiting UNCC, the Coordinator was informed that Kuwait did not seek monetary compensation for certain items of tangible property lost, in view of the fact that such items were irreplaceable and priceless (for example, such items as moon rocks or specially bound Holy Books which belonged to the Amiri Diwan). Also, since many of Kuwait's archives and records that existed prior to Iraq's invasion were destroyed at that time, it was difficult to identify both what was lost and to ascertain whether it had been returned.

34. He was informed further that there was nothing that UNCC could do for claimants seeking an order compelling the return of irreplaceable objects and other tangible properties stolen by Iraq, since UNCC had been established for purposes of awarding monetary compensation for losses and had no mechanism for requiring or enforcing specific performance. UNCC could not recommend compensation if there was no claim for such compensation.

35. There are also claims for compensation for the families of the missing persons. Such claims could not be processed by UNCC because of certain regulations (claims of individuals who have been detained in Iraq may be submitted within one year of the detainee's release or death, as legally determined by the detainee's Government). Therefore, the claims of the missing persons cannot be filed since they have neither been released nor has their death been legally determined by the Government of Kuwait. The UNCC review of the claims could be performed when the missing are released or when the Government of Kuwait determines that they are deceased. UNCC is not, therefore, yet in a position to consider claims submitted by the missing persons or on their behalf.

36. On 11 October, the Permanent Representative of Iraq, Mr. Hasan, in a letter, informed the Secretariat that four paintings allegedly belonging to Kuwait had been found in the local markets and were ready to be returned to Kuwait on a specific date to be designated by the Secretariat. It will be recalled that similar letters were received in December 1998 and December 1999. Some of the items found on the Iraqi markets were referred to in my second report pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/575, para. 9). Except for the above-mentioned letters, no attempts

have been made by the Iraqi authorities to hand over to Kuwait, through the United Nations or by any other means, the Kuwaiti property that remains in the possession of Iraq.

37. In a letter dated 6 December 2000, Ambassador Mohammed Abulhasan, the Permanent Representative of Kuwait to the United Nations, informed the Coordinator of the type and the volume of the archives belonging to the Offices of the Amiri Diwan, the Prime Minister and the Council of Ministers that were carried to Iraq during its occupation of Kuwait. A list of these files, as well as those belonging to the Ministry of Foreign Affairs of Kuwait (see S/2000/575, para. 14), is included in the annex below.

IV. Observations

38. The lack of progress regarding the issues of repatriation or return by Iraq of all Kuwaiti and third-country nationals or their remains and the return of Kuwaiti property remain of serious concern. Regrettably, the Iraqi authorities continue to refuse cooperation with the Coordinator, and his sincere and purely humanitarian endeavours have not been reciprocated. I would like to welcome the fact that ICRC, in accordance with its mandate, is continuing efforts to gather information on all missing persons through ongoing and direct contacts with all parties.

39. Adherence to international humanitarian law and principles should be placed above all other concerns. Iraq's compliance with its obligations would demonstrate respect for these laws and principles and would be welcomed by the entire international community. Iraq's cooperation towards putting an end to this long-standing human tragedy would not be inconsistent with Iraq's own stated assurances that it regards the problem as a humanitarian one (see S/2000/502 and S/2000/622) and that it does not want to use it for political gains. As the Government of Iraq claims to seek a resolution to the issue of its own missing nationals, it is essential that it exercise an appropriate and sensitive understanding of the position held by the Government of Kuwait and other countries concerned. Above all, the suffering of detained and missing persons and their families finally deserves attention by the authorities in Iraq. The display of goodwill in these humanitarian matters would be of utmost importance with regard to possible progress on other issues concerning Iraq.

40. I believe that the establishment of an effective dialogue between Ambassador Vorontsov and the competent Iraqi authorities would constitute an indispensable step towards resolving this humanitarian problem, which continues to divide the Governments of Kuwait and Iraq and which is of a great concern to the members of the Security Council and to the international community in general.

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 1* (A/55/1), para. 55.

Annex

Items belonging to the archives

Documents pertaining to the Amiri Diwan

1. Minutes of the meetings between His Highness the Amir of Kuwait with Heads of State and State guests.
2. Letters exchanged between His Highness the Amir of Kuwait and the kings and presidents of friendly countries.
3. Letters exchanged between the Amiri Diwan and other official bodies in the State.
4. Amiri decrees.
5. Private letters from citizens and other individuals addressed to His Highness the Amir of the State of Kuwait.

Documents pertaining to the Diwan of the Crown Prince and the Council of Ministers

1. Minutes of the meetings between His Excellency the Prime Minister, Heads of Governments and State guests.
2. Minutes of the official meetings of the Council of Ministers.
3. Letters exchanged between the Prime Minister and his counterparts around the world.
4. Letters exchanged between the Council of Ministers and the governmental bodies in the State.
5. Official resolutions and statements of the Council of Ministers.
6. Documents and files pertaining to the function of the committees and their follow-ups:
   (a) Documents pertaining to the Supreme Defence Council: 15 files;
   (b) Documents pertaining to the Supreme Oil Council: 30 files;
   (c) Documents pertaining to the Supreme Population Council: 11 files;
   (d) Documents pertaining to the Supreme Council for Planning: 10 files;
   (e) Documents pertaining to the Council of Civil Service: 3 files;
   (f) Documents pertaining to the Supreme Council of the Governorates: 6 files.
7. Set of record books, financial documents and files pertaining to the management of administrative and financial affairs in the secretariat of the Council of Ministers.
8. Set of documents kept in files and related to the administrative affairs of the Diwan:

(a) Resolutions and circulars issued by the secretariat of the Council of Ministers;

(b) Names of the employees working at the Council of Ministers.

Documents pertaining to the Ministry of Foreign Affairs

The following documents are divided into several types as follows:

1. Confidential documents:

   (a) Communications of Kuwait's diplomatic missions accredited abroad with the Ministry of Foreign Affairs;

   (b) Communications of the Ministry of Foreign Affairs with Kuwait's diplomatic missions accredited abroad;

   (c) Communications of foreign missions accredited to Kuwait with the Ministry of Foreign Affairs;

   (d) Communications of the Ministry of Foreign Affairs with the foreign missions accredited to Kuwait;

   (e) Communications of the official authorities in the Government with the Ministry of Foreign Affairs;

   (f) Communications of the Ministry of Foreign Affairs with the official authorities in the Government.

2. Regular documents.

3. Agreements concluded between the State of Kuwait and foreign countries.

4. Credentials of the heads of diplomatic missions accredited to the State of Kuwait.

5. Minutes of regional and international conferences and meetings in which the State of Kuwait participated (summit, ministerial and specialized committees).

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Letter dated 14 December 2000 from the Secretary-General addressed to the President of the Security Council

I am attaching for your consideration, and for the consideration of the members of the Security Council, a letter dated 9 November 2000 from the President of the International Criminal Tribunal for Rwanda, Judge Navanethem Pillay (see annex).

In her letter, President Pillay states that the judges of the International Criminal Tribunal for Rwanda support the principle that the victims of the crimes over which the Tribunal has jurisdiction should be compensated for the losses or injuries that they have sustained.

President Pillay states that the judges have considered the possibility that the statute of the Tribunal might be amended in order to confer upon it a power, similar to that to be enjoyed by the future International Criminal Court under its statute, to order the payment of compensation to the victims of the crimes committed by the persons whom it may convict.

President Pillay states that the judges have, however, come to the conclusion that it is not desirable that the Tribunal be possessed of such a power, in particular, for the reason that it would impose a significant additional responsibility upon the Tribunal and would severely hamper it in the discharge of its core mandate of prosecuting those responsible for the crimes over which it has jurisdiction.

In her letter, President Pillay states that the judges are of the view that there are other, quicker and simpler mechanisms which might more appropriately be considered for ensuring the payment of compensation to the victims of crimes within the Tribunal's jurisdiction.

At the same time, President Pillay states that the judges are of the view that the Tribunal might, in tandem with one of those mechanisms, appropriately be vested with a limited power to order the payment of compensation from a trust fund to victims who appear as witnesses in trials before it. Adoption of this measure would require the amendment by the Security Council of the Tribunal's statute.

I would recall in this connection that, in my letter dated 2 November 2000 (S/2000/1063), I drew to the attention of the President and of the members of the Security Council a letter dated 12 October 2000 from the President of the International Tribunal for the Former Yugoslavia, Judge Claude Jorda, setting out the views of the judges of that Tribunal on this same matter.

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I would be grateful if you would bring the present letter and its attachment to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

Annex

Letter dated 9 November 2000 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

On behalf of the judges of the International Criminal Tribunal for Rwanda (the "Tribunal"), I have the honour of writing to you about the important issue of compensation for victims of the atrocities that took place in Rwanda in 1994, over which the Tribunal has jurisdiction.

At a plenary meeting of the nine trial judges and five appeals judges, the issue of compensation for the victims of the tragic events in Rwanda was discussed at length. The judges wholeheartedly empathize with the principle of compensation for victims, but, for the reasons set out below, believe that the responsibility for processing and assessing claims for such compensation should not rest with the Tribunal.

1. The principle that the victims of crime should be compensated for their loss or injury is laudable and strong support should be given to it.

2. The United Nations has taken various steps to meet the needs of victims of crime. One of the most important is the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the United Nations General Assembly in 1985.[1] This Declaration reminds the world that crime victims should be treated with compassion and respect and states that they are entitled to receive justice, be treated fairly and obtain redress in the form of restitution, compensation and other assistance for the injuries that they have suffered.

3. It is also noted that the Rome Statute of the International Criminal Court[2] contains, in article 75, the following provision:

"*Reparations to victims*

"The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting." (para. 1)

4. For the reasons set out below, it is submitted respectfully that any such proposal would not be efficacious, would severely hamper the everyday work of the Tribunal and would be highly destructive to the principal mandate of the Tribunal.

5. Further, it is respectfully submitted that there are other, quicker and simpler methods which will ensure that the victims of criminal acts in Rwanda receive just compensation.

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[1] General Assembly resolution 40/34, annex.

[2] A/CONF.183/9.

Who are the victims that qualify for compensation?

6. Using the definitions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, referred to above, paragraph 1 defines victims as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power."

7. Paragraph 2 of the Declaration states:

> "A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term 'victim' also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."

8. Paragraph 12 of the Declaration states:

> "When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:
>
> (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
>
> (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization."

9. Applying the breadth of that definition to Rwanda, while it is impossible to establish any exact figure of the number of persons eligible for compensation, it must comprise a substantial part of the population of Rwanda, both within and outside of the present borders of the country.

The work of the Tribunal

10. The calendar of the Tribunal is full for the foreseeable future. All three Trial Chambers are fully committed and will remain so for the life of the Tribunal. There remain in custody a large number of defendants who have yet to be tried. The mandate of the Tribunal is also a limited one.

11. It is salutary to remember that the Expert Group to conduct a review of the effective operation and functioning of the International Tribunals for the former Yugoslavia and for Rwanda observed of the latter in its report that "predicting future developments is uncertain at best ... Bearing in mind the current and foreseeably more rapid pace of judicial proceedings, a period of some seven or eight years appears to be a minimum for discharge of the Tribunal's mandate." (S/2000/597, annex I, para. 34)

12. The work of the Tribunal has been considerably complicated by the uniqueness of its mandate, the ground-breaking nature of its considerations, the necessity of developing new models of criminal procedure and the development of new organizational structures. If the Tribunal adds to its responsibilities a whole new area of law relating to compensation, then the Tribunal will not only have to

develop a new jurisprudence; it will also have to expand its staffing considerably and establish new rules and procedures for assessing claims.

Compensation schemes

13. Research on compensation schemes presently in operation suggests that very few of the eligible victims receive the compensation to which they are entitled. Often, only victims represented by counsel achieve a satisfactory level of compensation. There are substantial overhead costs in collecting and processing documentation and the administration costs are usually very high. Victim satisfaction with compensation programmes appears to be quite low. Victims usually express considerable frustration with the complexity of compensation documentation procedures.[3]

14. It seems likely that if the Tribunal embarks upon the processing of claims for compensation, then, in addition to any dissatisfaction with its present progress, it can expect to add to this the frustration and disappointment of those attempting to establish claims.

Other options

15. There are other options which can be considered:

(a) A specialized agency set up by the United Nations to administer a compensation scheme or trust fund that can be based upon individual application, or community need or some group-based qualification;

(b) A scheme administered by some other agency or governmental entity on similar lines to (a);

(c) An arrangement which could operate in tandem with options (a) and (b) and which would allow the Tribunal to exercise a limited power to order payments from a trust fund for victims actually appearing before it as witnesses in a case. It is noteworthy that such a power exists in the criminal courts of the United Kingdom of Great Britain and Northern Ireland, but is especially limited to compensation issues where the issue is factually clear and where there is no dispute as to quantum before the court. In that jurisdiction, extensive inquiry into compensation issues by criminal courts is expressly abjured.

In the light of the foregoing, any one of the options enumerated in (a), (b) and (c) above may be considered to process and assess claims for compensation from people who are victims of crimes that fall within the jurisdiction of the Tribunal.

(*Signed*) Navanethem **Pillay**
President

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[3] Elias, R., *The Politics of Victimization: Victims, Victimology and Human Rights* (New York and Oxford: Oxford University Press, 1986), especially pages 162, 212 and 238.

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Eighth report of the Secretary-General on the United Nations Mission in Sierra Leone

I. Introduction

1. In paragraph 22 of its resolution 1289 (2000) of 7 February 2000, the Security Council requested me to report on a regular basis on security conditions on the ground in Sierra Leone, so that troop levels and the tasks to be performed by the United Nations Mission in Sierra Leone (UNAMSIL) could be kept under review. The present report is submitted pursuant to that request and covers developments since my seventh report on UNAMSIL, issued on 7 November 2000 (S/2000/1055).

II. Political developments

Abuja ceasefire agreement

2. As indicated in my last report, since the crisis which affected the country in May/June 2000, the efforts of UNAMSIL and the Economic Community of West African States (ECOWAS) have been focused on creating conditions conducive to a resumption of the peace process. In this regard, UNAMSIL and ECOWAS continued to pursue contacts with the leadership of the Revolutionary United Front (RUF). In the course of such contacts during the month of October, the RUF leaders expressed their interest in discussing a ceasefire and returning to the Lomé Peace Agreement. After intensive consultations between the Government, ECOWAS and UNAMSIL, a meeting with RUF was convened at Abuja on 10 November, which resulted in the signing of a ceasefire agreement between the Government and RUF (see S/2000/1091). The agreement provided for a monitoring role for UNAMSIL; full liberty for the United Nations to deploy throughout the country; unimpeded movement of humanitarian workers, goods and people throughout the country; the return of UNAMSIL weapons and other equipment seized by RUF; the immediate resumption of the programme of disarmament, demobilization and reintegration; and a review of the implementation of the agreement after 30 days.

3. Three days after the signing of the ceasefire agreement, the then UNAMSIL Acting Force Commander, in a telephone contact with the RUF leader, Issa Sesay, proposed a meeting between him and the UNAMSIL leadership on 15 November at Mile 91 to discuss the implementation of the Abuja agreement. While accepting the need for the meeting as well as the proposed venue, Sesay claimed that he could not set a date, as he needed time to make his combatants aware of the agreement. Subsequently, all efforts to contact the RUF leader were unsuccessful, although UNAMSIL military patrols actively sought contacts with local RUF commanders.

4. Meanwhile, conflicting signals were emanating from RUF. On 22 November, the media quoted the RUF spokesman, Gibril Massaquoi, as saying that RUF was divided over the ceasefire and that the majority of the combatants were no longer taking orders from Issa Sesay. The reports were, however, subsequently denied by Massaquoi. On two occasions during the reporting period, the RUF spokesman also reportedly alleged that the United Kingdom and Sierra Leonean troops had launched helicopter gunship attacks on villages in RUF-controlled areas. Both the Sierra Leone Army and the United Kingdom task force refuted the allegations as groundless.

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5. On 27 November, UNAMSIL received a letter from Sesay containing a delayed response to an invitation for the RUF leader to attend a UNAMSIL workshop on peace-building activities, which by that time had already been held at Mile 91 (see para. 46). This exchange of letters resulted on 1 December in a meeting at that location between UNAMSIL and a RUF delegation led by an associate of Issa Sesay, Prince Taylor. During the discussions, the UNAMSIL representatives emphasized the urgent need for RUF to show concrete signs of compliance with the ceasefire agreement of 10 November, in particular the confidence-building measures contained therein. They also delivered a letter from my Special Representative, Oluyemi Adeniji, addressed to Sesay expressing the need for the earliest possible meeting between him and the UNAMSIL leadership. For their part, the RUF delegation reiterated their commitment to peace, as well as their preparedness to return all UNAMSIL weapons and equipment, pledged to open all roads and to accept deployment of UNAMSIL military observers in RUF-controlled areas, and also requested food and medicine.

6. Subsequently, the newly appointed Force Commander of UNAMSIL, Lieutenant General Daniel Opande, met with the RUF leader on 8 December at Ferry Junction, approximately 32 miles north of Mile 91. The Force Commander stressed the crucial importance of maintaining close and regular communication between UNAMSIL and RUF, with a view to intensifying the efforts to restore peace in Sierra Leone. He called on the RUF leader to provide immediately a plan for implementing the ceasefire agreement. The RUF leader, in reaffirming the rebel group's stated commitment to peace, pledged to cooperate with UNAMSIL and indicated that once the elements of the United Nations Mission were deployed in the RUF-controlled areas, his combatants would be ready to disarm and demobilize.

7. At the meeting, RUF also undertook (a) to open all roads in the RUF-controlled areas; (b) to return all UNAMSIL weapons and equipment at a ceremony on 13 December at Makeni and Magburaka; (c) to accept the immediate deployment of UNAMSIL military observers and troops throughout the country; and (d) to allow humanitarian organizations and non-governmental organizations to resume their activities in the area outside the Government control.

8. Since the meeting with Sesay on 8 December, UNAMSIL has been actively working on the modalities for effective monitoring of the agreement, such as plans for the establishment of a 24-hour liaison mechanism between the United Nations and RUF, including a joint ceasefire monitoring centre, and temporary assessment visits of UNAMSIL military observers and troops outside the areas of their current operation to verify the implementation of the RUF undertakings.

9. Information available at the time of writing of this report indicates that RUF returned a total of 11 armoured vehicles on 13 December. However, they had been stripped of all mounted weapons and equipment. No personal weapons or ammunition were surrendered during this much awaited ceremony. The following day, in a statement attributed to RUF, it was announced that UNAMSIL was barred from entering RUF-controlled territory until certain "non-negotiable" conditions, including the release of Foday Sankoh, were met.

Regional aspects

10. During the reporting period, tension has been high in the Forecariah and Kindia areas in south-western Guinea, where there have been several cross-border incursions. Fighting in south-eastern Guinea also intensified late in November in the area of Macenta, followed by large-scale attacks against the towns of Guéckédou and Kissidougou, on 6 and 10 December respectively, resulting in heavy civilian casualties and a large-scale displacement of people. The Government of Guinea has accused Liberia and RUF of being responsible for these attacks, while Liberia has accused Guinea of supporting Liberian dissidents who had reportedly carried out their offensive in Nimba County in November. Both Governments have denied each other's accusations.

11. In statements issued on 8 and 12 December, I condemned these attacks in Guinea and deplored the loss of innocent lives. I also requested my Special Representative to travel immediately to Guinea and Liberia to make an assessment of the situation and to make recommendations on how best the United Nations could help the Governments concerned and ECOWAS to stablize the situation.

12. There is growing concern that the problems in these areas, particularly the reported involvement of RUF, could have grave repercussions not only for the

situation in Sierra Leone but also for the whole region. This extremely serious situation prompted ECOWAS to develop plans for the deployment of its observer mission along the borders of Guinea and Liberia. In this context, ECOWAS has appealed for logistical and financial assistance from the international community, in response to which the Organization of African Unity (OAU) contributed US$ 300,000 towards financing such a mission. In the meantime, an ECOWAS assessment team, with the task of verifying reports and allegations of rebel incursions into Guinea and Liberia from each country's territory, visited the sub-region, including Sierra Leone.

13. Following a recommendation by the inter-departmental Task Force on the West African region that has recently been established in the Secretariat, I am considering dispatching a multi-disciplinary mission to the region as soon as it is practicable. The main objective of this mission is to develop, together with ECOWAS, an integrated strategy to help address the priority needs confronting West Africa.

14. The statement made by the President of Liberia, Charles Taylor, on 21 November, in which he called for the withdrawal of the United Kingdom task force troops from Sierra Leone if they were not brought under UNAMSIL, drew strong reactions from the Sierra Leonean population. Mass demonstrations were held at Freetown, Kenema and Bo in support of the task force troop presence in the country on a bilateral basis, and the Parliament of Sierra Leone convened a special session to adopt a motion supporting their deployment.

Coordination with ECOWAS and other entities concerned

15. The second meeting of the United Nations, ECOWAS and the Government of Sierra Leone Coordination Mechanism was convened at Abuja on 8 and 9 November 2000. In addition to discussing the then ceasefire negotiations with RUF referred to in paragraph 2 above, the meeting also allowed the three parties to exchange views on other practical ways of reactivating the peace process in Sierra Leone and to discuss the ECOWAS-related recommendations of the Security Council mission to Sierra Leone in October 2000.

16. The Coordination Mechanism (a) agreed that RUF should be prevailed upon to accelerate the process of returning all remaining United Nations equipment and (b) called upon all Member States and organizations concerned to facilitate the early establishment of the ECOWAS commissions of investigation into the resumption of hostilities, and into the illegal trade in Sierra Leonean diamonds. While endorsing the recommendations of the Security Council mission relating to ECOWAS, the meeting also agreed to seek further clarifications on some of the issues.

17. On 13 December, the ministerial meeting of the ECOWAS Mediation and Security Council began its consultations on the security situation along Guinea's borders with Sierra Leone and Liberia. This meeting preceded the 15 December summit, which will examine the same subject. I have instructed my Special Representative to participate in both meetings.

18. Following the recommendation made by the Security Council Mission to Sierra Leone to establish a mechanism for the overall coordination of a comprehensive strategy for Sierra Leone, my Special Representative has established a contact group in Freetown, which consists of the representatives of ECOWAS countries, members of the Security Council represented in Sierra Leone and major troop contributors. The contact group provides an important forum for key international stakeholders to regularly exchange ideas on the implementation of the mandate of UNAMSIL and facilitate the coordination of the efforts of principal players. In that connection, ECOWAS is making arrangements to appoint its representative in Freetown. It would be important to continue to strengthen the coordination of activities concerning Sierra Leone, both in the region and at United Nations Headquarters.

Visit to Sierra Leone

19. On 2 and 3 December, I visited Sierra Leone to assess the conduct of the United Nations operations in Sierra Leone and met with President Kabbah and some prominent personalities to consider the way forward. I also met members of civil society in Port Loko, where I made a trip to UNAMSIL field positions, as well as the disarmament, demobilization and reintegration and internally displaced persons camps. I also visited the interim care centre for child ex-combatants in Lakka, outside Freetown.

20. My visit to Sierra Leone gave me a new insight into the challenges confronting UNAMSIL, the

humanitarian community, and the Sierra Leonean people. I am pleased to note that, on the one hand, UNAMSIL has made progress in recovering from the May crisis, and that significant efforts had been made to implement the recommendations of the assessment mission as well as those of the Security Council mission. On the other hand, the challenges that confront Sierra Leone are still daunting. UNAMSIL needs to keep a balance between its limited presence and the need to be proactive. Large areas of the country remain outside Government control and are not currently accessible to humanitarian agencies. Moreover, the regional dimension of the conflict needs to be urgently addressed, as mentioned above. In this context, the efforts of ECOWAS should be particularly encouraged and supported by the international community.

Public information

21. Since my last report, the public information section of UNAMSIL has continued to disseminate information designed to enhance overall efforts towards the consolidation of the peace process. Radio UNAMSIL now broadcasts a mix of live and recorded programmes 24 hours a day with regular newscasts and hourly news headlines. Shortwave test broadcasts commenced at the end of October 2000, and planning continues to extend FM broadcasts to the centre of the country. The section has also produced a number of written informational materials, including press releases, leaflets and a mission magazine. Despite these recent efforts, it is clear that much more needs to be done to strengthen the public information activities in Sierra Leone.

III. Military developments

22. During the reporting period, the security situation in Sierra Leone has remained relatively stable, with the exception of Kambia district along the border where fighting has continued between rebels and Guinean forces. On several occasions, the Guinean forces have had to shell RUF positions in Sierra Leone territory. In the rest of the country, the ceasefire appears to be holding and no major clashes between pro-Government troops and RUF have been reported.

Deployment of the Mission

23. The new military leadership of UNAMSIL was installed in November. The Force Commander, Lieutenant General Opande (Kenya), and the Deputy Force Commander, Major General Martin Agwai (Nigeria), arrived in the mission area on 18 and 25 November respectively. Also on 18 November, Brigadier General Alastair Duncan (United Kingdom), Chief of Staff, arrived in Freetown.

24. In addition to the ongoing consolidation throughout its current area of deployment, UNAMSIL has concentrated on the relief-in-place operations to facilitate the withdrawal of the Indian and Jordanian contingents as well as on activities aimed at demonstrating its resolve to support and supervise the ceasefire.

25. The relief of the two contingents is progressing smoothly; the Ghanaian and Zambian battalions have assumed operational responsibilities in Daru and Kenema/Joru respectively, while Nigerian battalions 5 and 6 have assumed control over the areas of the Hastings and Freetown. A battalion of the newly trained Sierra Leonean army now has operational responsibility for the North Lungi area, where the Kenyan and Zambian battalions had been previously deployed.

26. Phase one of the Indian withdrawal is expected to be complete by 25 December and phase two will be conducted from 26 January to 11 February. The withdrawal of the two Jordanian infantry battalions is expected to be complete by 20 December once the recently deployed Kenyan battalion installs itself in the Masiaka area. The new troops — the second Bangladesh battalion, the Kenyan Guard and Administration Company and the Ukrainian Maintenance and Training Battalion — are due to arrive in the mission area by the end of December. The third infantry battalion from Bangladesh, together with essential support units, is scheduled to arrive in Freetown early in February 2001.

27. During the reporting period, I have continued to seek the urgently needed contribution to UNAMSIL of additional well-trained and well-equipped troops. Several potential troop contributors have since expressed their interest in augmenting their current presence or participating in the Mission. In this regard, Jordan's offer to contribute a Level III medical facility in Freetown and Ghana's offer to contribute a Level II

medical facility in Kenema (in conjunction with equipment from Sweden) are particularly welcome. Another Member State is planning to undertake an assessment visit to UNAMSIL in mid-January 2001 with a view to contributing troops to the Mission. Other Member States have also indicated an interest in contributing troops.

28. The operational complexity of the relief-in-place operations, withdrawals and simultaneous rotations of United Nations troops, together with the additional responsibility arising from the ceasefire present a considerable challenge for UNAMSIL, since the Mission cannot remain static. Plans have been prepared for the monitoring and supervision of the ceasefire using the military personnel currently available, keeping in mind a judicious evaluation of RUF commitment and the prevailing security conditions.

29. Military observers continue to have their teams deployed as indicated in my last report (S/2000/1055) and have established valuable contacts with RUF local commanders since the signing of the ceasefire agreement, particularly in the Mange, Batkanu, Mile 91, Yele, Mano Junction and Daru areas.

Coordination with the Sierra Leone Army and the United Kingdom troops

30. Elements of the newly trained Sierra Leone Army have begun security responsibilities in some strategic areas of the country. This has necessitated closer coordination with UNAMSIL. On 23 October, the welcome training of a further group of 1,000 Sierra Leone Army troops began, which is expected to last until 17 December. This would bring the total number of Sierra Leone Army troops trained by the United Kingdom military personnel to approximately 3,000. Another group of 1,000 soldiers is expected to undergo training beginning late December. During this period, the Sierra Leone Army received much-needed equipment, including light vehicles and heavy trucks.

31. It should be noted that UNAMSIL is also closely working with the Sierra Leone Army on the modalities for effective monitoring of the ceasefire, including the 24-hour liaison mechanism and a joint ceasefire monitoring centre, as previously noted (para. 8).

32. In the first half of November, the United Kingdom amphibious task force staged a major military exercise at Freetown. It also conducted exercises in the areas of Hastings, Lungi and Port Loko. A further series of manoeuvres by the British troops are expected in the Freetown Peninsula area, starting in mid-December. During my visit to Sierra Leone, I encouraged the close coordination between UNAMSIL, the Sierra Leone Army and the British troops as an essential element of efforts towards stability and peace in this country.

IV. Disarmament, demobilization and reintegration

33. The disarmament, demobilization and reintegration programme was disrupted by the events in May and June 2000. The provision contained in the 10 November ceasefire agreement for the resumption of disarmament, demobilization and reintegration is therefore a welcome step towards what remains a key element of the peace strategy in Sierra Leone. In this connection, the Executive Secretariat of the National Commission on Disarmament, Demobilization and Reintegration, in cooperation with UNAMSIL and other key partners, has developed a draft revised joint operational plan for phase III of the programme, which was introduced to the Technical Coordination Committee of the Commission on 8 December.

34. According to the draft plan, which is still the subject of consultations in Freetown, UNAMSIL is expected to assume the following responsibilities:

(a) **Disarmament**: liaison with fighting forces and commanders; provision of adequate security; identification and establishment of reception/disarmament centres; collection and disabling of weapons and ammunition; screening of ex-combatants' eligibility to enrol in the disarmament, demobilization and reintegration programme; registration and transportation of ex-combatants from the disarmament sites to the demobilization centres, as well as transportation of disabled weapons and ammunition; inventory, storage and destruction of weapons;

(b) **Demobilization**: provision of adequate security at the camps; issuance of identification cards; transfer of child ex-combatants to interim centres; formal discharge of ex-combatants from the camps; field coordination of demobilization centre activities.

35. Since the May crisis, UNAMSIL has already been performing some of these tasks in the aftermath of the withdrawal of personnel contracted by the United

Kingdom Department for International Development. In particular, two UNAMSIL military observers are attached to the Executive Secretariat of the Commission to serve as liaison and to coordinate demobilization and discharge of ex-combatants, as well as timely movement of resources to the demobilization centres. UNAMSIL has also provided transportation for ex-combatants to the demobilization centres.

36. While the true commitment of RUF to peace will be a crucial element of the future of the disarmament, demobilization and reintegration programme, other main challenges also remain. For instance, the Multi-Donor Trust Fund established by the World Bank, which is the main source of funding for the programme, does not currently have enough resources for fully fledged disarmament. The World Bank is therefore actively pursuing this issue. Additionally, there are outstanding policy questions related to the Government's commitment to pay the balance of the transitional safety-net allowance to old caseloads; incentives to encourage combatants to disarm as well as the status of the dependents of the ex-combatants in the programme (many of whom had originally been abducted by RUF).

Possible future role of the Mission in disarmament, demobilization and reintegration

37. In August and September, an independent team sponsored by the World Bank and the United Kingdom Department for International Development was dispatched to review the implementation of the disarmament, demobilization and reintegration programme. The report of that review team, which was made available to the United Nations earlier this month, envisages a more active participation of UNAMSIL in disarmament and demobilization. In particular, the new responsibilities recommended for the United Nations include the provision of managerial, logistical and coordination support to demobilization camps and disarmament/reception sites.

38. Should it be decided that UNAMSIL will assume such new responsibilities, there will be significant implications for the Mission's mandate as well as its additional financial, human and other resources. Therefore, I have instructed my Special Representative to undertake preliminary consultations with other stakeholders on the ground, including the Government of Sierra Leone, United Nations agencies, the wider humanitarian community, bilateral donors and the World Bank. As I mentioned in my report dated 11 February concerning disarmament, demobilization and reintegration (S/2000/101), a United Nations-led operation offers major advantages to a disarmament, demobilization and reintegration programme: impartiality, legitimacy, security, political momentum and, what is particularly important, coordination and resources. On the other hand, substantial measures would need to be taken for UNAMSIL to be able to effectively address all major elements of disarmament and demobilization, including the provision of necessary expertise and human resources; funding from the assessed budget; and close coordination within the donor community.

39. In considering the new tasks, the United Nations trusts that both the World Bank and the United Kingdom Department for International Development will continue to provide all necessary support to the National Commission on Disarmament, Demobilization and Reintegration to enable it carry out its current responsibilities, as was initially envisaged. These include inter alia the procurement and delivery of food and other supplies for the ex-combatants in the demobilization centres. In the meantime, UNAMSIL will continue to assist with the supervision of the administration and management of the camps and the transportation of combatants from reception to demobilization centres.

Activities in support of disarmament, demobilization and reintegration by United Nations agencies

40. In addition to the roles played by the National Commission and UNAMSIL, UNICEF, as the designated lead agency for the demobilization and reintegration of child soldiers, continues to work closely to support emergency care, family tracing and reunification, as well as rehabilitation and reintegration activities for the demobilized child combatants. Meanwhile, the World Food Programme has resumed its food support to ex-combatants in functioning disarmament, demobilization and reintegration camps and has some pre-positioned food stocks in the event of a full-scale resumption of the programme. Several non-governmental organizations have also been active in supporting the demobilization process through the provision of basic relief services, while the United Nations Development Programme has continued to conduct reintegration activities aimed at strengthening

the National Commission for Resettlement, Rehabilitation and Reconstruction.

41. It is widely agreed by the major stakeholders that greater emphasis should be placed on the preparation of a comprehensive reintegration programme for ex-combatants. In this regard, a vigorous sensitization of the communities in the resettlement areas is necessary to enable the ex-combatants to be accepted in their midst. At present, United Nations agencies are supporting community-based projects designed to facilitate the reintegration of war-affected populations, including ex-combatants, the returning refugees and internally displaced persons. These are being carried out in some Government-controlled areas, and include the rehabilitation and reconstruction of basic housing, educational, health and sanitation facilities, as well as roads and bridges.

42. The recently launched 2001 United Nations Consolidated Inter-agency Appeal for Sierra Leone requests $78 million to provide life-saving support to some 2 million war-affected persons as well as to undertake activities that will sustain the livelihoods of internally displaced persons, refugees and ex-combatants through their resettlement and reintegration. However, security conditions in the RUF-controlled areas continue to hinder full-scale resettlement and reintegration programmes. Therefore, the reintegration of ex-combatants, as well as all other categories of beneficiaries, including more than 5,000 children who are associated with the fighting forces, still depends on the improvement of security.

V. Civilian police

43. The total strength of the civilian police component of UNAMSIL remains at 33 officers, drawn from 11 countries. With their assistance, some progress was made in enhancing the effectiveness of the Sierra Leonean police during the reporting period. A new national police post was opened in Freetown and 45 police officers returned to Masiaka where a police station was also established. Efforts to renew the national police presence at Daru are also under way. However, accessibility remains the major obstacle there since the vital Kenema-Daru road remains closed.

44. At the same time, considerable progress was made in the training of senior Sierra Leonean officers attending refresher courses; altogether over 1,500 national officers have participated in various training programmes. The refurbishment of the Sierra Leonean Police Training School is under way with support from the United Kingdom Department for International Development and the Japanese contribution to the United Nations Trust Fund for Sierra Leone.

VI. Civil affairs

45. The Government continues to face considerable constraints in its efforts to restore its authority, even in those areas that are already under its control. Lack of financial and logistical resources and, in some cases, security concerns are among the main reasons preventing government officials from returning to their areas of responsibility. Efforts made so far by the Government to restore its active presence in the countryside include plans to hold elections for the 49 chiefdoms, as well as to construct houses for chiefs, and to revive the work of provincial and district councils. However, the Government is still developing a comprehensive strategy for extending its authority throughout the country.

46. A major event for UNAMSIL was the one-day workshop on the peace support activities of UNAMSIL troops, which was held at Mile 91. The workshop focused on the role played by UNAMSIL military contingents and civilian components in carrying out quick-impact projects to alleviate the immediate plight of the population and stabilize the areas under government control, where United Nations troops are deployed.

47. In the context of these activities, it is envisaged that the Trust Fund will finance the following projects: training of ex-combatants in construction skills; social reintegration assistance to two local communities in the Koinadugu and Port Loko districts; training in basic office skills for teenage girls who were abducted by the fighting forces, and have now been reunified with their families; family support services to women's groups caring for child ex-combatants; and other income-generating activities. The review of additional projects is currently being undertaken by the Project Approval Committee.

VII. Human rights

48. The human rights situation in Sierra Leone has been exacerbated by the recent cross-border attacks against Guinea. In the meantime, reported human rights abuses committed by RUF in their harassment of civilians persist, as does forcible recruitment of adults and children for fighting as well as forced labour.

49. UNAMSIL has recently stepped up its efforts in monitoring the human rights situation in prisons and has visited the facilities in Freetown, Bo and Kenema. As at 1 December 2000, 568 persons were detained in Freetown Central Prison, including 22 women and 13 children. Of these, 291 persons, mostly RUF members and supporters of other armed groups, are detained without charge under emergency powers declared by the Government. In general, prison conditions were assessed as not adequate, but there was no evidence of physical mistreatment of the detainees. However, the so-called "political" detainees have not been permitted to communicate with the outside world since their incarceration over six months ago. They have not been informed of their legal status, nor do they have access to legal advice. No further detainees have been released since more than 200 were discharged in August.

50. Regular human rights training of the fresh UNAMSIL military observers and troops is continuing. In addition, basic human rights training has recently been provided to 1,294 Sierra Leone Army officers and soldiers at the Beguema training centre. Human rights training for the Sierra Leone Police Force continues and the Mission is currently assessing training programmes for national prison officials.

Truth and Reconciliation Commission and Human Rights Commission

51. On 16 and 17 November a national workshop, organized by UNAMSIL and the Office of the United Nations High Commissioner for Human Rights in collaboration with the Government and human rights non-governmental organizations, was held at Freetown to reinitiate the process aimed at establishing the Truth and Reconciliation Commission. Participants at the workshop adopted a final communiqué in which, acknowledging that the setting up of the Commission would have far-reaching implications for the peace process, they urged the resumption of its establishment phase, including the identification of Commissioners and the launching of a public awareness programme, and appealed for further consideration of the relationship of the Commission with the Special Court.

52. The Office of the United Nations High Commissioner for Human Rights and UNAMSIL have also assisted the Government to draft necessary legislation to establish the Human Rights Commission, which will be introduced in Parliament following a consultative conference on the Commission to be held on 15 and 16 December. A main obstacle to overcome will be obtaining sufficient funds to establish this Commission.

53. UNAMSIL is undertaking preparations for a data-gathering project on war-related sexual violence against women and girls that will commence in January 2001. The data will be used to advocate for better protection and programming on the ground and will be made available to the Truth and Reconciliation Commission and the proposed Special Court.

Child protection

54. In addition to the child protection activities described above, a Family Tracing Day to be implemented in February 2001 was recently launched in the Eastern, Western and Southern Provinces by the national Child Protection Committees in collaboration with the Ministry of Social Welfare, UNICEF and Save the Children. The Ministry manages a central database of missing and separated children, while the actual documentation, tracing of families and community mediation is conducted through the non-governmental organizations in regional committees. UNAMSIL Radio is actively promoting this activity with public service announcements.

VIII. Humanitarian aspects

55. During the reporting period, the humanitarian situation continued to deteriorate as Sierra Leonean refugees fleeing violence in neighbouring Guinea began returning home, compounding the difficulties of assisting a rapidly expanding internally displaced population.

56. Since early September, when major violence erupted on the Guinean border, the Government of Sierra Leone has assisted in repatriating more than 20,000 Sierra Leonean refugees from Guinea by boat. More than 6,000 of these have been confirmed by

UNHCR as being refugees. An additional 11,500 confirmed refugees moved over land to the Lungi areas where they are receiving community-based assistance.

57. However, numerous additional refugees are arriving each day in various areas who cannot be properly monitored by humanitarian organizations. At present, those refugees who can be safely resettled in the western area or the Southern Province are being assisted by UNHCR. More than 80 per cent of the refugees have come from inaccessible or rebel-controlled areas and must, therefore, be assisted in transit facilities. Obviously, the increase in internally displaced persons since the May hostilities and the decrease in safely accessible areas are making it extremely difficult to find suitable locations to shelter and support newly displaced populations. Despite new construction and/or expansion of camps for internally displaced persons and refugee transit centres in several locations, nearly all of them are dramatically overcrowded. Some, such as the Waterloo transit centre for refugees, hold as much as three times their capacity, resulting in unacceptable conditions. As a result, UNHCR continues to place priority on the relocation of refugees within Guinea.

58. Meanwhile, persisting instability in some parts of the country and the sub-region continues to significantly impede access to an estimated 1 million Sierra Leoneans currently living in RUF-controlled areas. This notwithstanding, the Government, WHO, UNICEF and their implementing partners have succeeded in negotiating limited access to RUF-held areas, including Makeni, Magburaka and Segbwema, for the purpose of continuing the polio eradication programme. As a result, about 60,000 children in RUF-held territories were vaccinated in October and November, bringing the total immunization to 826,470 children countrywide. Unfortunately, in one instance, health workers were temporarily detained and manhandled by RUF in the Koinadugu district, resulting in the loss of vaccines and equipment.

59. Despite the above-mentioned constraints, humanitarian agencies also assisted approximately 340,000 internally displaced persons in accessible areas, mainly in the western area, Lungi, Bo, Kenema, Daru and the government-controlled enclaves in the Northern Province. At the same time, United Nations agencies and their partners continue to face severe difficulties in assisting these internally displaced persons, more than half of whom have been displaced since the May hostilities, owing to lack of regular access, lingering insecurity and inadequate resources, in particular in the area of shelter.

60. The effort of the humanitarian community in the areas of community-based reintegration of war-affected populations, including ex-combatants, is described in paragraph 40 above.

IX. Economic developments

61. The Government's fiscal position has witnessed some improvement mainly due to bilateral donor assistance. Another positive development is the reduction in the Government's indebtedness to the international banking system, with a resultant contraction in key monetary variables. The local currency has appreciated considerably at weekly foreign currency auctions conducted by the Bank of Sierra Leone, which are reducing pressures on the exchange rates and result in a consequent reduction in prices. It should be noted however that the agriculture sector is far from resuming normal production activity, especially in the northern parts of the country, thus threatening food security, foreign exchange earnings and external reserves.

62. On 7 December, the Minister for Finance presented to Parliament the Government's budget and statement of economic and financial policies for the financial year 2001. The Minister defined the key objective of the Government as fighting poverty and improving the living conditions of the population by developing strong partnerships with the private sector, civil society and the donor community.

X. Financial aspects

63. By its resolution 54/241 B of 15 June 2000, the General Assembly appropriated the amount of $476.7 million for the maintenance of UNAMSIL for the financial period from 1 July 2000 to 30 June 2001. This appropriation was based on a strength of 11,100 military personnel authorized by the Security Council in its resolution 1289 (2000).

64. Pending the submission to the General Assembly at its resumed fifty-fifth session of my revised budget for the 2000-2001 financial period, it is my intention to continue to cover the immediate costs in connection

with the deployment of additional military contingents authorized by the Council in its resolution 1299 (2000), by which the Council expanded the military component of UNAMSIL to 13,000 personnel, and any further military deployments should the Council so decide, as well as the additional costs associated with the withdrawal and induction of military contingents, as well as the requisite additional civilian support staff, within the initial level of resources already appropriated by the General Assembly for the financial period 2000-2001.

65. As at 30 November 2000, unpaid assessed contributions to the special account for UNAMSIL amounted to $180 million. The total outstanding assessed contributions for all peacekeeping operations, as at the same date, was $2,058 million. Contributions to the trust fund to support United Nations peacekeeping related efforts in Sierra Leone amounted to $2.2 million, with expenditure authorized in the amount of $1.1 million.

XI. Observations and recommendations

66. Despite some positive developments, the situation in Sierra Leone remains precarious. In addition, the spill-over effects of intense fighting along Guinea's borders with Sierra Leone and Liberia threaten not only these three countries but the entire region. In this connection, I welcome the efforts of ECOWAS to stabilize the situation and call on the international community to find the means to help establish a regional observation mechanism along Guinea's troubled borders. The reported involvement of RUF in the incursions into Guinea raises further serious questions about the sincerity of their commitment to disarmament and the peace process.

67. Notwithstanding the major difficulties posed by the withdrawal of Indian and Jordanian contingents simultaneously with the rotations of other contingents, UNAMSIL is pursuing efforts to consolidate its positions in its current areas of deployment. In this context, I wish to express my appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for its bilateral military assistance to Sierra Leone, which has provided much-needed confidence to the people of Sierra Leone and the peace process.

68. The signing of the ceasefire agreement between RUF and the Government of Sierra Leone constitutes a first step towards creating an environment conducive to the reactivation of the peace process. While RUF reaffirmed its commitment to the ceasefire at its meetings with UNAMSIL on 1, 8 and 13 December, its public statement of 14 December and its reported political demands, including the release of Foday Sankoh, in exchange for access by UNAMSIL to the areas under RUF control, are a source of serious concern.

69. Moreover, there are reports suggesting that RUF is continuing to train and arm combatants, and to fortify its military positions. Therefore, the rebel group clearly needs to demonstrate its good faith by immediately opening roads in RUF-controlled areas to all traffic, allowing United Nations access, returning to UNAMSIL all weapons seized from peacekeepers and proceeding with the disarmament, demobilization and reintegration of its combatants. I urge RUF not to lose this unique opportunity to return to the peace process.

70. Should RUF comply with the terms of the ceasefire agreement of 10 November, UNAMSIL will be able, after a careful evaluation of the security conditions and proper RUF guarantees, to deploy forward in a gradual and progressive manner in the discharge of its mandate. However, the evolving situation may require the Mission to expand beyond its currently authorized strength. I therefore urge once again all militarily capable countries to consider contributing well-trained, well-equipped and rapidly deployable contingents to the Mission.

71. In this context, I should like to recall the recommendation made in my previous reports to the Security Council to increase the Mission's military strength to a level of 20,500 personnel, including 260 military observers, which will be needed to enable UNAMSIL to perform additional tasks in Sierra Leone, as described in the concept of operations contained in my report of 24 August (S/2000/832). It should also be recalled that the Security Council mission that visited Sierra Leone in October 2000, made a similar recommendation (see S/2000/922). Clearly, the forward deployment of UNAMSIL in strength will depend not only on the prevailing situation on the ground but also on the availability of the necessary troops and other resources.

72. In the meantime, I recommend the extension of the Mission's mandate for a further period of three months, which would allow the Mission to complete its consolidation phase and to respond to the requirements of the Abuja ceasefire agreement. I intend, however, to keep the security, political and humanitarian situation in Sierra Leone under close review, and to revert, at the appropriate time, to the Security Council with additional recommendations, should this be required.

73. The disarmament, demobilization and reintegration programme in Sierra Leone remains an essential element of the peace strategy and I appeal to all Member States concerned to contribute to the Multi-Donor Trust Fund established for this purpose by the World Bank. While UNAMSIL is ready to implement the relevant provisions of the draft joint operational plan of the programme, it may require additional resources. It is my intention to further report on the disarmament, demobilization and reintegration programme after the completion of consultations with the Government and relevant stakeholders.

74. In this connection, I would also like to emphasize the importance of establishing an effective reintegration programme aimed at absorbing discharged ex-combatants. I therefore call on the Government, external implementing partners and donors to join efforts in order to strengthen the linkages between disarmament, demobilization and reintegration. Due consideration should also be given to the provision of adequate incentives to combatants to disarm.

75. The humanitarian situation in the country has continued to deteriorate as tens of thousands of Sierra Leonean refugees precipitously returned from Guinea. The existing internally displaced person and transit centres in Sierra Leone have already reached their maximum capacity, which makes it extremely difficult to respond to a further influx of returning refugees. I therefore wish to urge the international donor community to contribute generously to the 2001 United Nations Inter-Agency Consolidated Appeal for Sierra Leone, which was launched in November 2000.

76. Looking beyond the immediate and pressing concerns described above, the challenges confronting the country remain daunting. There is an urgent need to stabilize the areas of the country under government control and to address the root causes of the conflict. In addition, social and economic reconstruction, the forthcoming elections and the long-standing need to revitalize State institutions will require an inclusive and comprehensive strategy, with the active support of the international community. With that in mind, I am considering the possibility of taking additional steps, including the appointment of a second Deputy Special Representative for Sierra Leone who would closely work with the Government to address these crucial matters.

77. Finally, I wish to express my gratitude to all Member States that have contributed troops to UNAMSIL for their continuing commitment to the restoration of peace in Sierra Leone. In addition, I should like to pay tribute to my Special Representative, Oluyemi Adeniji, to all the men and women serving with UNAMSIL, and to the United Nations agencies in Sierra Leone for carrying out their task in very difficult and hazardous conditions.

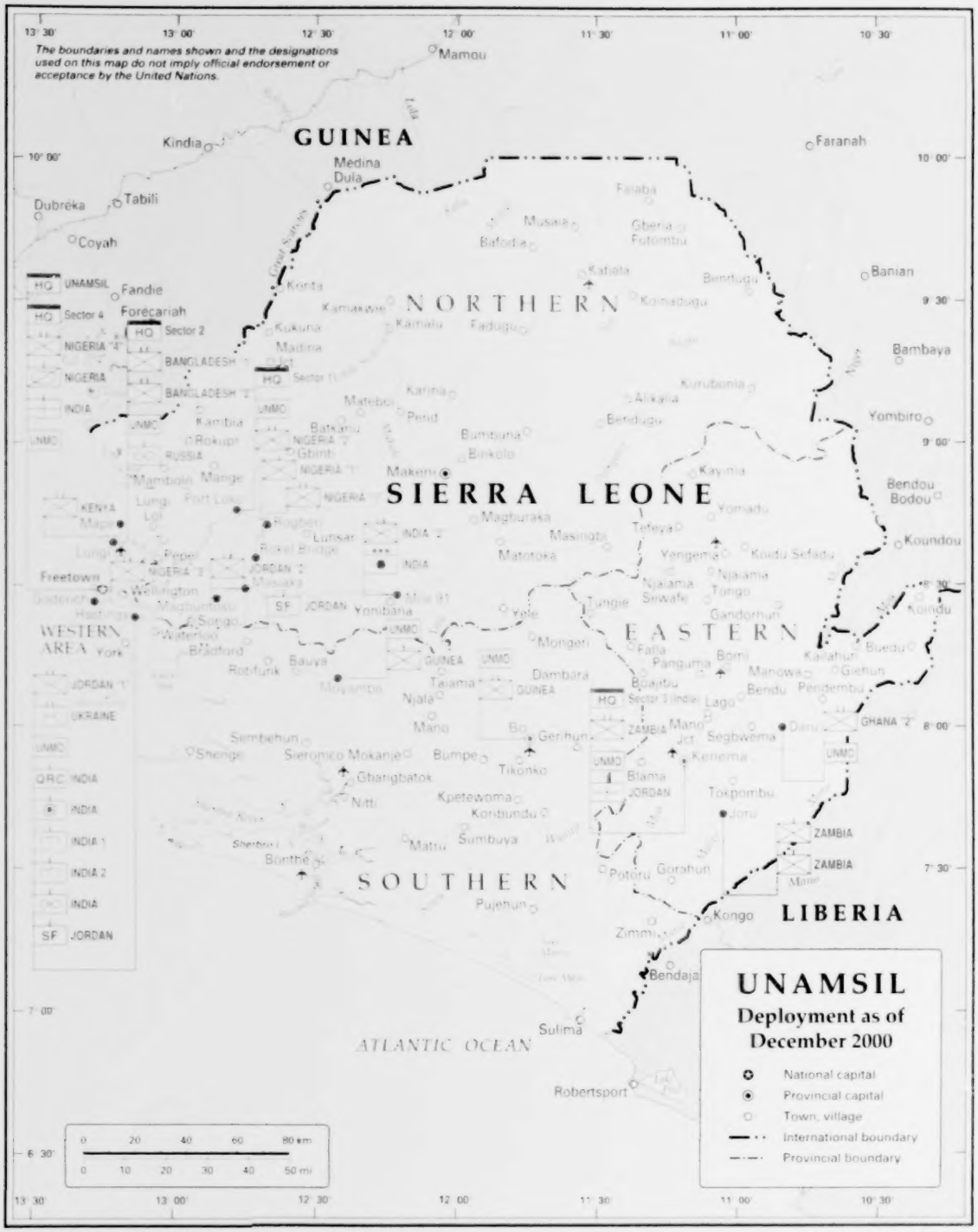
United Nations Mission in Sierra Leone: contributions as at 16 December 2000

	Military observers	*Staff officers*	*Troops*	*Sector HQ staff*	*Total*
Bangladesh	12	6	1 034	25	1 077
Bolivia	4				4
Canada	5				5
China	6				6
Croatia	10				10
Czech Republic	5				5
Denmark	2				2
Egypt	10				10
France	1				1
Gambia	26				26
Ghana	4	6	776		786
Guinea	12	3	775		790
India	5	28	2 679	50	2 762
Indonesia	10				10
Jordan	5	12	1 567	49	1 633
Kenya	11	13	802	50	876
Kyrgyzstan	2				2
Malaysia	10				10
Mali	8				8
Nepal	6				6
New Zealand	2				2
Nigeria	4	16	3 211	63	3 294
Norway	0				0
Pakistan	10				10
Russian Federation	15	4	106		125
Slovakia	2				2
Sweden	3				3
Tanzania	12				12
Thailand	5				5
Ukraine*			150		150
United Kingdom**	20	7			27
Uruguay	11				11
Zambia	11	3	771		785
Total	**249**	**98**	**11 871**	**237**	**12 455**

* Advance party.

** A five-man strong United Kingdom Movement Control Element has deployed for a period of three months who are temporary part of the United Kingdom military observer contingent.

Civilian Police: Bangladesh: 4; Gambia: 2; Ghana: 3; India: 1; Jordan: 3; Kenya: 3; Malaysia: 3; Nepal: 5; Norway: 2; Senegal: 5; Zimbabwe: 2. Total: 33



Map No. 4132 Rev. 8 UNITED NATIONS
December 2000

Department of Public Information
Cartographic Section

United Nations A/55/696–S/2000/1200

General Assembly
Security Council

Distr.: General
18 December 2000

Original: English

General Assembly
Fifty-fifth session
Agenda items 73 (l) and (s)
General and complete disarmament: assistance to States for curbing the illicit traffic in small arms and collecting them; illicit traffic in small arms

Security Council
Fifty-fifth year

Identical letters dated 5 December 2000 from the Permanent Representatives of Namibia and the United States of America to the United Nations addressed to the President of the General Assembly and the President of the Security Council

On behalf of the Government of the United States of America and the States members of the Southern African Development Community (SADC), we herewith provide a copy of the joint United States-SADC Declaration on United Nations Sanctions and Restraint in Sale and Transfers of Conventional Arms to Regions of Conflict in Africa (see annex), which will be issued publicly on 15 December 2000. We request that you circulate this document to all Member States.

(*Signed*) Martin **Andjaba**
Permanent Representative of the Republic of Namibia
to the United Nations and Current Chairman
of the Southern African Development Community

(*Signed*) Richard C. **Holbrooke**
Permanent Representative of the United States of America
to the United Nations

00-80254 (E) 191200

Annex to the identical letters dated 5 December 2000 from the Permanent Representatives of Namibia and the United States of America to the United Nations addressed to the President of the General Assembly and the President of the Security Council

United States-Southern African Development Community Declaration on United Nations Sanctions and Restraint in Sale and Transfers of Conventional Arms to Regions of Conflict in Africa

The United States and the States members of the Southern African Development Community (SADC) are deeply concerned about the risks to national, subregional, regional and international security and stability that are associated with the continuing transfers of illicit and licit conventional arms to regions of conflict in Africa. Although there are a number of United Nations Security Council arms embargoes on Africa, including that against the forces of the União Nacional para a Independência Total de Angola (UNITA) in Angola, thousands of conventional armaments worth millions of dollars continue to flow into each of the regions of conflict on the continent, prolonging conflict, maiming and killing innocent civilians. We therefore strongly urge all States, particularly supplier States, to undertake immediately to:

- Strictly observe and enforce United Nations arms embargoes, and to share with the United Nations sanctions committees and with each other information on violations of these embargoes by supplier, transit and recipient States;
- Adopt national legislation, where needed, to criminalize violations of these United Nations sanctions;
- Exercise restraint in the sale and transfer of conventional arms to regions of conflict in Africa not subject to United Nations Security Council arms embargoes;
- Adopt and implement appropriate national controls and other measures, where needed, over surplus stocks, including destruction or disabling when in a position to do so, and destroy or disable those arms confiscated or collected following the cessation of civil or international conflict, with a view to ensuring that they are not transferred to areas of conflict in Africa;
- Exchange information as appropriate on national measures which have been taken to implement the steps called for in this Declaration.

The United States and the SADC member States are committed to fostering regional peace and security in Africa. We call on all States to work cooperatively and in solidarity to this end.

United Nations S/2000/1201

Security Council

Distr.: General
18 December 2000
English
Original: French

Letter dated 16 December 2000 from the Permanent Representative of Mali to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the final communiqué of the twenty-fourth session of the Authority of Heads of State and Government of the Economic Community of West African States, held in Bamako on 15 and 16 December 2000 (see annex).

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(*Signed*) Moctar **Ouane**
Ambassador
Permanent Representative

00-80311 (E) 221200 221200

Annex to the letter dated 16 December 2000 from the Permanent Representative of Mali to the United Nations addressed to the President of the Security Council

TWENTY-FOURTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Bamako, 15 - 16 December 2000

FINAL COMMUNIQUE

Executive Secretariat
Bamako December 2000

INTRODUCTION

1. The Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) held its twenty-fourth ordinary session in Bamako, Republic of Mali, on 15 and 16 December 2000. The meeting was chaired by His Excellency Alpha Oumar KONARE, President of the Republic of Mali, current Chairman of the ECOWAS Authority of Heads of State and Government.

2. Present at the session were the following Heads of State and Government or their duly accredited representatives:

- **His Excellency Mathieu KEREKOU**

  President of the Republic of Benin

- **His Excellency Blaise COMPAORE**

  President of Faso

- **His Excellency Koumba YALLA**

  President of the Republic of Guinea Bissau

- **His Excellency Dahkpanah Dr. Charles Ghankay TAYLOR**

  President of the Republic of Liberia

- **His Excellency Alpha Oumar KONARE**

  President of the Republic of Mali
  current Chairman of ECOWAS

- **His Excellency Olusegun OBASANJO**

  President of the Federal Republic of Nigeria

- **His Excellency Abdoulaye WADE**

  President of the Republic of Senegal

- **His Excellency Dr. Ahmad Tejan KABBAH**

  President of the Republic of Sierra Leone

- **His Excellency General Gnassingbe EYADEMA**

  President of the Togolese Republic

- **Her Excellency Aïssatou NJIE-SAIDY**

Vice-President of the Republic of The Gambia

- **Hon. Lamine SIDIME**

  Prime Minister of the Republic of Guinea
  representing the President of the Republic

- **Hon. Sangaré Abou DRAHAMANE**

  Honourable Minister of Foreign Affairs of the Republic of Cote d'Ivoire
  representing the President of the Republic

- **Hon. James Victor GBEHO**

  Honourable Minister of Foreign Affairs of the Republic of Ghana
  representing the President of the Republic

- **Hon. Nassirou SABO**

  Honourable Minister of Foreign Affairs of the Republic of Niger
  representing the President of the Republic

- **Hon. Marly de Menezes Barbosa VINCENTE**

  Secretary of State, Ministry of Foreign Affairs and the Communities of the Republic of Cape Verde
  representing the Prime Minister of the Republic

3. The following personalities also attended the twenty-fourth session as observers:

- The representative of the Secretary-General of the Organisation of African Unity
- The representative the Secretary-General of the United Nations Organisation;
- President of the UEMOA Commission;
- Chairman, Committee of Governors of Central Banks of West Africa, Governor of the Central Bank of The Gambia.

4. The full list of participants is attached as an annex.

5. Their Excellencies President Alpha Oumar Konare of the Republic of Mali, current Chairman of ECOWAS, President Olusegun Obasanjo of the Federal Republic of Nigeria and President Ahmad Tejan Kabbah of Sierra Leone delivered keynote addresses at the opening session. The Authority decided to adopt these keynote addresses as working documents. The Heads of State and Government reiterated their commitment to reinforce regional peace and security, and to make ECOWAS an effective instrument for the promotion, development and integration of West African economies.

AFRICAN UNION

6. The Authority welcomed the signing of the Charter of the African Union during the 36th ordinary Summit of the Organisation of African Unity in Lome on 11 July 2000. The Authority appealed to all Member States which were yet to ratify the Charter to do so as quickly as possible, in order to enable the realisation of this project which is of great importance for the future of Africa.

ECOWAS PROGRAMMES

7. The Authority adopted the reports of the Executive Secretary, the 47th Session of the Council of Ministers and the meeting of the Ministers of Foreign Affairs. These reports primarily focused on the following:

- - Harmonisation of ECOWAS and UEMOA integration programmes;
- - Implementation of the ECOWAS common market;
- - creation of the ECOWAS monetary zone;
- - Sectoral programmes for production and infrastructural developemnt;
- - Health, education and information programmes;
- - Administrative and financial matters;
- - Regional peace and security.

8. The Authority lay special emphasis on economic, institutional, peace and security issues.

ECONOMIC ISSUES

Accelerating the regional integration process

9. The Authority, having considered the modalities for implementing the strategy for accelerating the regional integration process, with a view to establishing a single economic zone, decided to establish, within the shortest possible time, a customs union in ECOWAS, based on the lowest existing common external tariff in the sub-region which ranges from 20% to 0%, depending on the type of product, and on the progressive removal of all tariff barriers to intra-Community trade. To this end, the Authority directed the ECOWAS Executive Secretariat to carry out a study immediately on the impact of such lower tariffs on the public finance, economies and enterprises in the member countries. The Authority also appealed to West African development partners, particularly the IMF, the World Bank and the European Union, to provide the assistance needed to carry out the studies, and to cover the costs of any budgetary and economic adjustment measures that may be necessary.

10. The Authority stressed that efforts to strengthen the political and economic dimension of integration should be accompanied by actions and measures that would consolidate the achievements of ECOWAS. The Authority directed the Executive Secretary to determine and propose specific actions to support the socio-economic development of the Community's island and landlocked countries of Cape Verde, Burkina Faso, Mali and Niger.

Monetary cooperation programme

11. The Authority expressed satisfaction at the progress made in the monetary integration process since the last Summit held in Lome in December 1999, as witnessed by the adoption of the statutes of the second ECOWAS monetary zone and the statutes of the common Central Bank. It urged the countries concerned to intensify their efforts to achieve convergence of their macro-economic policies, with a view to facilitating the merger with the CFA monetary zone and creating a single ECOWAS monetary zone in 2004.

12. While welcoming the creation of a second monetary zone, the Authority urged the Convergence Council to reflect on whether it would be cost-effective to introduce, in the second monetary zone, a currency destined to circulate for only two years.

13. The Authority requested the Committee of Governors of Central Banks to revisit the issue of the ECOWAS exchange rate mechanism so as to enhance the practical modalities of implementing it.

ECOWAS Passport

14. The Executive Secretary officially presented prototypes of the ECOWAS passport to the Heads of State. The Authority called on all Member States to take appropriate measures to put the passport into circulation as quickly as possible.

Human resource development

15. The Authority expressed concern about malaria and HIV which are wreaking havoc among our populations, and urged Member States to take all necessary measures to implement the HIV and Malaria Control Strategies adopted by the OAU and ECOWAS Ministers of Health. The Authority issued

an urgent appeal to pharmaceutical laboratories and the international community to make drugs

available to our populations at affordable prices.

16. Recognising that today's children are tomorrow's leaders , Heads of State and Government undertook to combat all forms of violence of which they are victim, such as physical abuse, child trafficking and slavery, conscription into armed groups. They called on Member States to ratify the statutes of the International Criminal Court and to prosecute those guilty of recruiting and using children in armed conflict.

Management of water resources

17. Concerned at the fact that, despite possessing an enormous potential, West Africa suffers from acute shortage of water which affects its social and economic development, the Authority adopted a Regional Action Plan for integrated Management of Water Resources. This regional plan seeks to establish a coherent framework for coordination and harmonisation of the water resource management plans, programmes and strategies of all ECOWAS Member States.

INSTITUTIONAL MATTERS

i) **Strengthening Community Institutions**

18. In the hope of ensuring better monitoring of Community programmes and improving communications between its institutions and Member States, the Authority directed the Executive Secretary to study the possibility of appointing representatives of the Secretariat in each Member State.

19. Within the context of the restructuring of the Institutions and measures to improve their efficiency, the Authority directed the Executive Secretariat to present a detailed report at its next session. The report should set out the total amount spent on staff expenses in the Community institutions and the share of this item in the overall budget.

ii) **Court of Justice**

20. The Authority established the Community Court of Justice made up of the following members:

- Mr. Anthony Alfred BENIN Ghana
- Mrs. Hadjia Awa Nana-Amadou DABOYA Togo
- Mrs. Aminata MALLE Mali
- El Hadj Mansour TALL Senegal
- Mr. Barthelemy TOE Burkina Faso
- Mrs. Hassine Mapwaniyo DONLI Nigeria
- Mr. Soumana Dirarou SIDIBE Niger

21. The Authority decided to continue its consultations on the choice of the seat of the Court.

iii) Community Parliament

22. The Authority established the Community Parliament made up of 120 members. It decided to continue consultations on the choice of the seat of the Parliament.

iv) ECOWAS Flag

23. The Authority requested the Executive Secretariat to organise a competition among artists in the region for the design of an ECOWAS flag.

REGIONAL PEACE AND SECURITY

Guinea, Sierra Leone, Liberia

24. In view of the deterioration in the climate of peace and security between Guinea, Liberia and Sierra Leone, the Summit of Heads of State and Government held in-depth discussions on the issue. The Summit took due note of the undertaking by Guinea, Liberia and Sierra Leone that

1. each of the countries will do all in its power to ensure that the national territory is not used by national or foregin armed individuals to prepare and perpetrate attacks on neighbouring countries
2. each country undertakes to disarm any irregular armed groups present in its territory.
3. The three countries undertake as part of their joint effort to rebuild trust and restore peace, to refrain from any act or statement, in whatever form, that may appear hostile to the other party.
4. The Summit of Heads of State and Government undertook to effect the immediate deployment of interposition forces along the borders between the three countries. The Summit recommended an immediate meeting of Heads of State of the three countries under the auspices of ECOWAS and OAU.

Sierra Leone

25. The Authority reaffirmed its support for the Lome Peace Agreement signed between the Government of Sierra Leone and the RUF. Heads of State and Government called on the parties concerned to fully comply with the provisions of the cease-fire agreement signed in Abuja on 10 November 2000. They urged ECOWAS Member States, the OAU and the international community to contribute troops to UNAMSIL to enable it carry out its mission successfully.

Côte d'Ivoire

26. The Authority commended the efforts of the OAU Committee of Ten on Côte d'Ivoire, which is a clear demonstration of the desire of the whole continent to promote peace, security and democracy in a Member State. The Authority urged the Ivorian authorities to promote dialogue and reconciliation so as to ensure the effective participation of all Ivorians in the democratic process in Côte d'Ivoire.

27. In view of the grave situation, the Authority mandated the current Chairman to send a delegation of members of the ECOWAS Mediation and Security Council to Abidjan as soon as possible.

28. The Authority also condemned the loss of human life and wanton destruction of property that followed the presidential election held in November 2000. It stressed the need for an international commission of inquiry into the killings that took place, with a view to identifying those responsible for the massacres.

Senegal

29. The Authority of Heads of State and Government commended His Excellency Abdoulaye Wade , President of the Republic of Senegal, for his recent peace moves in initiating dialogue with the separatist fighters in Casamance. The Authority called on all ECOWAS Member States, particularly the neighbouring States, to uphold the peace process in Senegal.

Guinea Bissau

30. The Authority, reaffirming its commitment to the ECOWAS Declaration of Political Principles, strongly condemned the attempt to overthrow the democratically elected government of Guinea Bissau, and insisted on the need to respect constitutional order and the rule of law in order to strengthen the democratic process in that country. It also stressed the need for national reconciliation, as set out in the Abuja Agreement. To this end, the Authority urged the Government of Guinea Bissau to look into the issue of the status of former President Joao Bernardo VIEIRA, and to accord him the privileges due by virtue of that status.

31. The Authority, aware of the crucial importance of putting the Guinea Bissau economy back on track after several months of conflict, requested the donor community to, particularly the Bretton Woods institutions to lend immediate technical and financial assistance to Guinea Bissau.

COOPERATION WITH DEVELOPMENT PARTNERS

32. ECOWAS Heads of State and Government reiterated their gratitude to their development partners, particularly the OAU, the European Union, USAID, the ECA, the World Bank, the IMF, ITU, FAO, Japan, Canada, and Germany for the various forms of assistance they have provided in support of the

regional integration process. They encouraged the ECOWAS Executive Secretariat to resume cooperation with the ADB and to pursue efforts aimed at extending cooperation to other partners, in particular, the Scandinavian and Arab countries.

ISSUES FOR FURTHER STUDY

33. The Authority underscored the need to intensify regional cooperation and integration efforts. To this end, it directed the Executive Secretariat to organise consultations on the measures ECOWAS could take in order to carry out its mission successfully. The consultations should cover the following issues:

1. practising bilingualism within Community Institutions;
2. establishment of an ECOWAS Police Force to combat insecurity and trans-border crimes;
3. rotation of the post of Chairman of ECOWAS among Member States;
4. institutional reform: establishment of a Government of the Community with well-defined sectoral responsibilities;
5. choice of a name for the Community and designation of a capital for West Africa.

DATE AND VENUE OF THE NEXT SUMMIT

34. Heads of State and Government decided to re-elect His Excellency Alpha Oumar Konare, President of the Republic of Mali, as Chairman of the ECOWAS Authority of Heads of State and Government. The next session of the Authority will be held in December 2001 at a venue to be determined by consultations.

DONE AT BAMAKO THIS 16TH DAY OF DECEMBER 2000

United Nations S/2000/1202

Security Council

Distr.: General
19 December 2000
English
Original: English and Russian

India, Kyrgyzstan, Russian Federation, Tajikistan and United States of America: draft resolution

The Security Council,

Reaffirming its previous resolutions, in particular resolution 1267 (1999) of 15 October 1999 and the statements of its President on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for Afghanistan's cultural and historical heritage,

Recognizing the critical humanitarian needs of the Afghan people,

Supporting the efforts of the Personal Representative of the Secretary-General for Afghanistan to advance a peace process through political negotiations between the Afghan parties aimed at the establishment of a broad-based, multi-ethnic, and fully representative government, and *calling for* the warring factions to cooperate fully with those efforts to conclude a ceasefire and begin discussions leading to a political settlement, by moving forward promptly in the process of dialogue to which they have committed themselves,

Noting the December 2000 meeting of the Afghan Support Group which emphasized that the situation in Afghanistan is a complex one that requires a comprehensive, integrated approach to a peace process and issues of narcotics trafficking, terrorism, human rights, and international humanitarian and development aid,

Recalling the relevant international counter-terrorism conventions and in particular the obligations of parties to those conventions to extradite or prosecute terrorists,

Strongly condemning the continuing use of the areas of Afghanistan under the control of the Afghan faction known as Taliban, which also calls itself the Islamic Emirate of Afghanistan (hereinafter known as the Taliban), for the sheltering and training of terrorists and planning of terrorist acts, and *reaffirming* its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security,

Noting the importance of the Taliban acting in accordance with the 1961 Single Convention, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the commitments of the 1998 Twentieth Special Session of the General

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Assembly on Narcotic Drugs, including to work closely with the United Nations Drug Control Programme,

Noting that the Taliban benefits directly from the cultivation of illicit opium by imposing a tax on its production and indirectly benefits from the processing and trafficking of such opium, and *recognizing* that these substantial resources strengthen the Taliban's capacity to harbour terrorists,

Deploring the fact that the Taliban continues to provide safehaven to Usama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

Noting the indictment of Usama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania and for conspiring to kill American nationals outside the United States, and *noting also* the request of the United States of America to the Taliban to surrender them for trial (S/1999/1021),

Reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, particularly discrimination against women and girls, and over the significant rise in the illicit production of opium,

Stressing that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e-Sharif constituted flagrant violations of established international law,

Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) and in paragraph 2 of resolution 1267 (1999) constitutes a threat to international peace and security,

Stressing its determination to ensure respect for its resolutions,

Reaffirming the necessity for sanctions to contain adequate and effective exemptions to avoid adverse humanitarian consequences on the people of Afghanistan, and that they be structured in a way that will not impede, thwart or delay the work of international humanitarian assistance organizations or governmental relief agencies providing humanitarian assistance to the civilian population in the country,

Underlining the responsibility of the Taliban for the well-being of the population in the areas of Afghanistan under its control, and in this context *calling on* the Taliban to ensure the safe and unhindered access of relief personnel and aid to all those in need in the territory under their control,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly in its resolution 49/59 of 9 December 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Taliban comply with resolution 1267 (1999) and, in particular, cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the

preparation or organization of terrorist acts against other States or their citizens, and cooperate with international efforts to bring indicted terrorists to justice;

2. *Demands also* that the Taliban comply without further delay with the demand of the Security Council in paragraph 2 of resolution 1267 (1999) that requires the Taliban to turn over Usama bin Laden to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;

3. *Demands further* that the Taliban should act swiftly to close all camps where terrorists are trained within the territory under its control, and *calls* for the confirmation of such closures by the United Nations, inter alia, through information made available to the United Nations by Member States in accordance with paragraph 19 below and through such other means as are necessary to assure compliance with this resolution;

4. *Reminds* all States of their obligation to implement strictly the measures imposed by paragraph 4 of resolution 1267 (1999);

5. *Decides* that all States shall:

(a) Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999), hereinafter known as the Committee, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

(b) Prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control, as designated by the Committee, by their nationals or from their territories, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban;

(c) Withdraw any of their officials, agents, advisers, and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and urge other nationals in this context to leave the country;

6. *Decides* that the measures imposed by paragraph 5 above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee, and *affirms* that the measures imposed by paragraph 5 above do not apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media, and humanitarian workers for their personal use only;

7. *Urges* all States that maintain diplomatic relations with the Taliban to reduce significantly the number and level of the staff at Taliban missions and posts and restrict or control the movement within their territory of all such staff who remain; in the case of Taliban missions to international organizations, the host State may, as it deems necessary, consult the organization concerned on the measures required to implement this paragraph;

8. *Decides* that all States shall take further measures:

(a) To close immediately and completely all Taliban offices in their territories;

(b) To close immediately all offices of Ariana Afghan Airlines in their territories;

(c) To freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee, including those in the Al-Qaida organization, and including funds derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly for the benefit of Usama bin Laden, his associates or any entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organization and *requests* the Committee to maintain an updated list, based on information provided by States and regional organizations, of the individuals and entities designated as being associated with Usama bin Laden, including those in the Al-Qaida organization;

9. *Demands* that the Taliban, as well as others, halt all illegal drugs activities and work to virtually eliminate the illicit cultivation of opium poppy, the proceeds of which finance Taliban terrorist activities;

10. *Decides* that all States shall prevent the sale, supply or transfer, by their nationals or from their territories, of the chemical acetic anhydride to any person in the territory of Afghanistan under Taliban control as designated by the Committee or to any person for the purpose of any activity carried on in, or operated from, the territory under Taliban control as designated by the Committee;

11. *Decides also* that all States are required to deny any aircraft permission to take off from, land in or over-fly their territories if that aircraft has taken off from, or is destined to land at, a place in the territory of Afghanistan designated by the Committee as being under Taliban control, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligations such as the performance of the Hajj, or on the grounds that the flight promotes discussion of a peaceful resolution of the conflict in Afghanistan, or is likely to promote Taliban compliance with this resolution or with resolution 1267 (1999);

12. *Decides further* that the Committee shall maintain a list of approved organizations and governmental relief agencies which are providing humanitarian assistance to Afghanistan, including the United Nations and its agencies, governmental relief agencies providing humanitarian assistance, the International Committee of the Red Cross and non-governmental organizations as appropriate, that the prohibition imposed by paragraph 11 above shall not apply to humanitarian flights operated by, or on behalf of, organizations and governmental relief agencies on the list approved by the Committee, that the Committee shall keep the list under regular review, adding new organizations and governmental relief agencies as appropriate and that the Committee shall remove organizations and governmental agencies from the list if it decides that they are operating, or are likely to operate, flights for other than humanitarian purposes, and shall notify such organizations and

governmental agencies immediately that any flights operated by them, or on their behalf, are thereby subject to the provisions of paragraph 11 above;

13. *Calls upon* the Taliban to ensure the safe and unhindered access of relief personnel and aid to all those in need in the territory under their control, and *underlines* that the Taliban must provide guarantees for the safety, security and freedom of movement for United Nations and associated humanitarian relief personnel;

14. *Urges* States to take steps to restrict the entry into or transit through their territory of all senior officials of the rank of Deputy Minister or higher in the Taliban, the equivalent rank of armed personnel under the control of the Taliban, and other senior advisers and dignitaries of the Taliban, unless those officials are travelling for humanitarian purposes, including religious obligation such as the performance of the Hajj, or where the travel promotes discussion of a peaceful resolution of the conflict in Afghanistan or involves compliance with this resolution or resolution 1267 (1999);

15. *Requests* the Secretary-General in consultation with the Committee:

(a) To appoint a committee of experts to make recommendations to the Council within sixty days of the adoption of this resolution regarding how the arms embargo and the closure of terrorist training camps demanded in paragraphs 3 and 5 above can be monitored, including inter alia the use of information obtained by Member States through their national means and provided by them to the Secretary-General;

(b) To consult with relevant Member States to put into effect the measures imposed by this resolution and resolution 1267 (1999) and report the results of such consultations to the Council;

(c) To report on the implementation of the existing measures, assess problems in enforcing these measures, make recommendations for strengthening enforcement, and evaluate actions of the Taliban to come into compliance;

(d) To review the humanitarian implications of the measures imposed by this resolution and resolution 1267 (1999), and to report back to the Council within 90 days of the adoption of this resolution with an assessment and recommendations, to report at regular intervals thereafter on any humanitarian implications and to present a comprehensive report on this issue and any recommendations no later than 30 days prior to the expiration of these measures;

16. *Requests* the Committee to fulfil its mandate by undertaking the following tasks in addition to those set out in resolution 1267 (1999):

(a) To establish and maintain updated lists based on information provided by States, regional, and international organizations of all points of entry and landing areas for aircraft within the territory of Afghanistan under control by the Taliban and to notify Member States of the contents of such lists;

(b) To establish and maintain updated lists, based on information provided by States and regional organizations, of individuals and entities designated as being associated with Usama bin Laden, in accordance with paragraph 8 (c) above;

(c) To give consideration to, and decide upon, requests for the exceptions set out in paragraphs 6 and 11 above;

(d) To establish no later than one month after the adoption of this resolution and maintain an updated list of approved organizations and governmental relief agencies which are providing humanitarian assistance to Afghanistan, in accordance with paragraph 12 above;

(e) To make relevant information regarding implementation of these measures publicly available through appropriate media, including through the improved use of information technology;

(f) To consider, where and when appropriate, a visit to countries in the region by the Chairman of the Committee and such other members as may be required to enhance the full and effective implementation of the measures imposed by this resolution and resolution 1267 (1999) with a view to urging States to comply with relevant Council resolutions;

(g) To make periodic reports to the Council on information submitted to it regarding this resolution and resolution 1267 (1999), including possible violations of the measures reported to the Committee and recommendations for strengthening the effectiveness of these measures;

17. *Calls upon* all States and all international and regional organizations, including the United Nations and its specialized agencies, to act strictly in accordance with the provisions of this resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraphs 5, 8, 10 and 11 above;

18. *Calls upon* States to bring proceedings against persons and entities within their jurisdiction that violate the measures imposed by paragraphs 5, 8, 10 and 11 above and to impose appropriate penalties;

19. *Calls upon* all States to cooperate fully with the Committee in the fulfilment of its tasks, including supplying such information as may be required by the Committee in pursuance of this resolution;

20. *Requests* all States to report to the Committee within 30 days of the coming into force of the measures imposed by paragraphs 5, 8, 10 and 11 above on the steps they have taken with a view to effectively implementing this resolution;

21. *Requests* the Secretariat to submit for consideration by the Committee information received from Governments and public sources on possible violations of the measures imposed by paragraphs 5, 8, 10 and 11 above;

22. *Decides* that the measures imposed by paragraphs 5, 8, 10 and 11 above shall come into force at 00.01 Eastern Standard Time, one month after the adoption of this resolution;

23. *Further decides* that the measures imposed by paragraphs 5, 8, 10 and 11 above are established for twelve months and that, at the end of this period, the Council will decide whether the Taliban has complied with paragraphs 1, 2 and 3 above, and, accordingly, whether to extend these measures for a further period with the same conditions;

24. *Decides* if the Taliban comply with the conditions of paragraphs 1, 2 and 3 above, before the twelve-month period has elapsed, the Security Council shall terminate the measures imposed by paragraphs 5, 8, 10 and 11 above;

25. *Expresses* its readiness to consider the imposition of further measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving full implementation of this resolution and resolution 1267 (1999), inter alia, taking into account the impact assessment referred to in paragraph 15 (d) with a view to enhancing the effectiveness of sanctions and avoiding humanitarian consequences;

26. *Decides* to remain actively seized of the matter.

United Nations S/2000/1203

Security Council

Distr.: General
18 December 2000
English
Original: Arabic

Letter dated 14 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you that 29 mines, bombs, missiles and other unexploded ordnance left behind by the 1991 30-nation aggression against Iraq were found and disposed of in all parts of the country between 1 October and 30 November 2000. The items were found in the following governorates: Dhi Qar, Muthanna, Anbar, Maysan, Salah al-Din and Ninawa.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-80299 (E) 191200 191200

United Nations S/2000/1204

Security Council

Distr.: General
18 December 2000
English
Original: Arabic

Letter dated 16 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 December 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister affirms Iraq's just demand that all of the banking operations relating to revenues under the memorandum of understanding of 20 May 1996 should be performed by more than one bank.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-80280 (E) 191200 191200

Annex to the letter dated 16 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

At one time Iraq proposed to the United Nations Treasury that banking activities relating to the memorandum of understanding of 20 May 1996 (S/1996/356) should be performed by more than one bank in order to take advantage of legitimate rivalry between banks and of their discretionary practices and also to prevent any one bank from having exclusive control of the funds in question, which might place Iraq's financial resources at risk. The United Nations Treasury nevertheless proceeded to adopt a different measure, requiring only diversified investment of the funds, instead of accepting Iraq's proposal that the various activities relating to the implementation of the memorandum of understanding should also be shared. Iraq's integrated proposal was thus transformed into the mere distribution of accumulated deposits among several banks. This measure amounts to no more than the opening of an account in the name of the United Nations and the bank investing the funds transferred to it whenever the United Nations Treasury finds this necessary.

This means that no substantive measures are taken to protect Iraq's assets from the risks inherent in the decisions and discretion of a single bank.

Iraq's goal in advocating the sharing of the banking activities relating to the memorandum of understanding is to utilize its funds in accordance with professionally sound banking practices and the notion that the banking activities performed by the bank holding the account should be divided between it and others so that none of Iraq's rights with respect to its resources are forfeited and the country is not burdened with unfair costs.

Iraq's proposal also seeks to regularize, facilitate and improve the efficiency of banking activities relevant to the management and implementation of the memorandum of understanding. This is all the more necessary since the number of letters of credit to be issued has grown to such an extent that it is beyond the capacity of the relevant branch of the bank that presently holds the account to handle their processing and monitoring.

Such a step would not in any way alter the legal status of the Iraqi funds in question or their management in accordance with the memorandum of understanding. It would rather provide greater safety for them by preventing them from remaining in the custody of only one bank. The transformation by the United Nations Treasury of Iraq's aforesaid proposal into piecemeal measures is unacceptable. Iraq insists on its just demand, which accords with the provisions of the memorandum of understanding, that banking activities involving all banking operations should be shared among several banks.

The Government of Iraq is of the view that this step would be useful, not only for Iraq but also for the United Nations Treasury, in providing assurance that the banking procedures being followed in the management of the funds accumulated in the Iraq accounts are sound and are in accordance with the memorandum of understanding.

I am hopeful that, in your capacity as the party acting on behalf of the United Nations in the implementation of its memorandum of understanding with Iraq, you

will act expeditiously to safeguard Iraq's assets and will accede to its request that the banking activities relating to the revenues under the memorandum of understanding allocated to meeting the pressing humanitarian needs of the Iraqi people should be shared.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2000/1205

Security Council

Distr.: General
18 December 2000
English
Original: Spanish

Letter dated 18 December 2000 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council

The Permanent Mission of Spain has received the summary report of the exploratory hearing on Sierra Leone diamonds, which was held on 31 July and 1 August 2000 at United Nations Headquarters in New York (S/2000/1150). The report contains a number of statements by Mr. Patrick Smith, in which he refers to Gibraltar as a country. With regard to that description, my delegation wishes to make it clear that Gibraltar is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, which is subject to the process of decolonization and over which Spain maintains a claim of sovereignty.

I should be grateful if this letter could be brought to the attention of the members of the Security Council and circulated as a document of the Council.

(*Signed*) Inocencia F. **Arias**

00-80706 (E) 201200 201200

United Nations S/2000/1206

Security Council

Distr.: General
18 December 2000

Original: English

Letter dated 18 December 2000 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Monday, 18 December 2000, regarding the situation in the Occupied Palestinian Territory, including Jerusalem.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

00-80357 (E) 181200

United Nations S/2000/1207

Security Council

Distr.: General
18 December 2000
English
Original: French

Letter dated 13 December 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the signing of the peace agreement between Ethiopia and Eritrea issued on 12 December 2000 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-David **Levitte**
Permanent Representative of France to the United Nations

00-80712 (E) 201200 201200

Annex to the letter dated 13 December 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: French and English]

Statement on the signing of the peace agreement between Ethiopia and Eritrea issued on 12 December 2000 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the signing in Algiers on 12 December 2000 of the peace agreement between Ethiopia and Eritrea.

It salutes the efforts undertaken by the Organization of African Unity (OAU), and in particular by the Algerian President, Abdelaziz Bouteflika, and his special envoys on behalf of that organization. They have been supported by the United States of America and by the European Union, whose active support has been expressed in particular through the action of the Presidency's Special Representative.

This event may represent a fundamental turning-point towards peace and development in the region and become an example for the whole of Africa.

The European Union recalls the important contribution made by its members to the United Nations Mission in Ethiopia and Eritrea (UNMEE) deployed in accordance with the Algiers Agreement of 18 June 2000 and to the OAU observers. These contributions are proof of the Union's commitment, affirmed, inter alia, in its common position of 29 June 2000, to supporting in a coordinated manner action taken for the implementation of the peace settlement.

The Union undertakes to give its continued support to the peace process and to action to assist the populations affected by the conflict. It hopes that the peace agreement can be rapidly implemented so that the two countries can once more, in a spirit of reconciliation, devote all their efforts to development, regional cooperation and the fight against poverty, in which the European Union is most willing to support them.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the European Free Trade Association countries, members of the European Economic Area align themselves with this statement.

United Nations S/2000/1208

Security Council

Distr.: General
19 December 2000
English
Original: Arabic

Identical letters dated 17 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 14 December 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the ongoing wanton aggression against Iraq by United States and British aircraft in the unlawful no-flight zones and to the fact that in the period from 3 to 10 December 2000 they carried out 287 sorties, 135 of them from Saudi Arabia, 70 from Kuwait and 82 from Turkey.

The Minister reaffirms the Government of Iraq's condemnation of these acts of aggression against Iraqi territory, and he states that international responsibility for them must be borne by the United States of America, the United Kingdom and the countries that provide the logistic support for this aggression, namely Saudi Arabia, Kuwait and Turkey. He urges you to perform the duties assigned to you under the Charter by halting this unwarranted aggression and ensuring that it does not recur.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-80690 (E) 201200 201200

Annex to the identical letters dated 17 December 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States and British warplanes based in Saudi Arabia, Kuwait and Turkey have continued to violate the airspace of the Republic of Iraq. They carried out 287 sorties in the period from 3 to 10 December 2000, 135 of them from Saudi Arabia, 70 from Kuwait and 82 from Turkey, as shown hereunder.

1. In the northern region 82 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows.

(a) At 1110 hours on 3 December 2000, United States and British F-15 aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out four missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah and Zakho areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1115 hours, drove them off.

(b) At 1130 hours on 4 December 2000, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dohuk, Amadiyah, Aqrah, Baibo, Zakho and Tall Afar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1425 hours, drove them off.

(c) At 1040 hours on 5 December 2000, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Irbil, Mosul, Aqrah, Baibo and Amadiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1400 hours, drove them off.

(d) At 1100 hours on 6 December 2000, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Aqrah, Irbil and Dohuk areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1405 hours, drove them off.

(e) At 1145 hours on 7 December 2000, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out eight missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Aqrah and Zakho areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1215 hours, drove them off.

(f) At 1100 hours on 8 December 2000, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's

airspace in the northern region. They carried out 16 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Amadiyah, Aqrah, Baibo and Rawanduz areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1330 hours, drove them off.

2. In the southern region 205 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 1050 hours on 3 December 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 20 missions, 16 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and four from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Jalibah, Nasiriyah, Samawah, Shinafiyah, Lasaf, Ashbajah, Nukhayb, Ar'ar, Najaf, Hashimiyah, Diwaniyah and Salman areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1215 hours, drove them off.

(b) At 0945 hours on 4 December 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 30 missions, 12 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 18 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Salman, Rahhaliyah, Afak, Najaf, Basrah, Shinafiyah, Lasaf, Nukhayb and Rifa'i areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1215 hours, drove them off.

(c) At 1150 hours on 6 December 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 23 missions, 13 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 10 from Kuwaiti territory with the support of an E-2C aircraft operating inside Kuwaiti airspace. They overflew the Qurnah, Jalibah, Nasiriyah, Samawah, Diwaniyah, Qal'at Sukkar, Amarah, Salman and Abyad areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1310 hours, drove them off.

(d) At 0950 hours on 7 December 2000, United States and British F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 40 missions, 24 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 16 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Jalibah, Amarah, Shaykh Sa'd, Najaf, Rifa'i, Afak, Ashbajah, Qurnah, Diwaniyah and Ukhaydir areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1345 hours, drove them off.

(e) At 1325 hours on 8 December 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi territory penetrated Iraq's airspace in the southern region. They carried out 32 missions, 26 of

them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and six from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Samawah, Hashimiyah, Hayy, Basrah, Tab'an, Najaf, Salman and Nukhayb areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1545 hours, drove them off.

(f) At 1220 hours on 9 December 2000, United States and British F-15, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 28 missions, 26 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and two from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Nasiriyah, Hayy, Ukhaydir, Nu'maniyah, Najaf, Diwaniyah, Samawah, Salman, Jalibah and Lasaf areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1340 hours, drove them off.

(g) At 0950 hours on 10 December 2000, United States and British F-15, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 32 missions, 18 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 14 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Jalibah, Qurnah, Samawah, Shatrah, Ali al-Gharbi, Qal'at Salih, Afak, Amarah, Nukhayb, Hashimiyah, Salman, Diwaniyah, Najaf and Hayy areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1115 hours, drove them off.

This aggression illustrates the bellicose attitude being maintained by the United States of America and the United Kingdom towards Iraq. Since 1992, it has become a fixed policy aimed at undermining the country's sovereignty, independence and territorial integrity and at the systematic and concerted destruction of Iraqi lives, infrastructure and civilian installations. It is a policy that has been affirmed in successive statements made by United States and British officials seeking to defend the measures being taken to enforce the no-flight zones.

The Government of Iraq categorically rejects the two so-called no-flight zones, which were imposed by unilateral decision of the United States of America and the United Kingdom and lack any legal basis. Iraq rejects all the consequences of this illegal decision and, in particular, the flimsy excuses and pretexts used by these States in an attempt to justify their military aggression against our country.

The logistic support provided by Saudi Arabia, Kuwait and Turkey to the Americans and the British has made these countries key partners in the aggression being committed against Iraq, so that they bear full international responsibility under international law. This includes liability for full compensation for the loss and damage, in both human and material terms, that is caused by these illegal practices.

The Government of Iraq further renews its call to the countries participating in this aggression to desist forthwith from internationally prohibited acts that violate Iraq's sovereignty, place its security and integrity in grave danger and pose a direct and serious threat to international peace and security.

As it condemns these acts of aggression against civilian targets and Iraqi civilian installations, the Government of Iraq urges you to intervene with the Governments of the countries in question with a view to inducing them to halt, end and desist from any resumption of their constant and unwarranted aggression against an independent, sovereign State.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

United Nations A/55/700–S/2000/1209

General Assembly
Security Council

Distr.: General
19 December 2000

Original: English

General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-fifth year

Letter dated 18 December 2000 from the permanent representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 December 2000, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent representative

00-80472 (E) 201200

Annex to the letter dated 18 December 2000 from the permanent representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey the texts of the resolution and the paragraph on Cyprus of the Final Communiqué adopted at the Ninth Session of the Islamic Summit Conference, held in Doha, State of Qatar, from 12 to 14 November 2000 (see appendices).

The resolution and the Final Communiqué reaffirm, inter alia, the political equality of the two parties in Cyprus and call on them to reciprocally acknowledge each other's equal status in order to pave the way for a lasting settlement.

The resolution also urges the member States to strengthen effective solidarity with the Turkish Cypriot people and to support their rightful claim for the right to be heard in all international forums where the Cyprus question comes up for discussion.

I should be grateful if the present letter and its appendices could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Appendix I

The paragraph on Cyprus in the Final Communiqué of the Ninth Session of the of the Islamic Summit Conference, Doha, State of Qatar, 12-14 November 2000

The situation in Cyprus

62. The Conference expressed firm support for the rightful cause of the Turkish Muslim people of Cyprus and reaffirmed its resolutions and declarations on Cyprus. It called for a just and negotiated settlement that would respect their legitimate aspirations. **It emphasized the key importance of respecting the principle of equal political status in promoting a negotiated settlement acceptable to both the Turkish Cypriot and the Greek Cypriot sides and to this effect called on the two sides to reciprocally acknowledge each other's equal status in order to pave the way to a lasting solution.** In this respect, the Conference welcomed the statement made by the Secretary-General of the United Nations on 12 September 2000 at the outset of the fourth round of proximity talks.

Appendix II

Resolution on Cyprus adopted at the Ninth Session of the Islamic Summit Conference, Doha, State of Qatar, 12-14 November 2000

The Ninth Session of the Islamic Summit Conference, held in Doha, State of Qatar, from 12 to 14 November 2000,

Reaffirming the previous resolutions of the Islamic Conferences on the question of Cyprus, which express firm support for the rightful cause of the Turkish Muslim people of Cyprus who constitute an integral part of the Islamic world,

Recalling that in more than 35 years since the establishment of the United Nations Peacekeeping Force in Cyprus (UNFICYP), it has not been possible to achieve a negotiated settlement of the Cyprus problem,

Calling for a just political settlement by respecting the legitimate aspirations of the Turkish Cypriot side,

Emphasizing in this regard the key importance of respecting the principles of equal political status in the attainment of a freely negotiated and mutually acceptable solution,

Calling on the two parties in Cyprus to reciprocally acknowledge each other's equal status in order to pave the way to a lasting settlement on a mutually agreed basis,

Supporting in this regard the opening statement of the Secretary-General of the United Nations of 12 September 2000, at the start of the fourth round of the proximity talks,

Reiterating its support for the efforts of the Secretary-General of the United Nations under his mission of good offices towards a negotiated settlement mutually acceptable to both sides,

Welcoming the agreement reached between the two parties in Cyprus to start proximity talks to prepare the ground for meaningful negotiations leading to a comprehensive settlement,

Welcoming in this context the willingness shown by the Turkish Cypriot side for a political and viable settlement by presenting a comprehensive proposal on 31 August 1998,

Regretting that outside developments raising the possibility of European Union membership of the Greek Cypriot side have continued to hamper progress towards a negotiated settlement,

Considering that the building of mutual confidence between the two sides in Cyprus is essential to make progress towards a just and lasting settlement,

Welcoming the fact that the Turkish Cypriot side has accepted the United Nations-sponsored package of military confidence-building measures presented by the Secretary-General of the United Nations,

Calling on the Greek Cypriot side to show a reciprocal constructive approach by accepting this proposal,

Considering that the massive arms purchase and the establishment of a military airbase in Paphos as well as the continuing construction of a naval base in Zygi by the Greek Cypriot side further deepen the existing mistrust between the two sides and constitute a threat to peace and stability in the island and the region,

Recalling its resolution adopted at the Eighth Session of the Islamic Conference as well as resolution No. 16/8-P(IS), in which it decided on the enhancement of the participation of the Turkish Muslim people of Cyprus in the Organization of the Islamic Conference,

Having considered in this context the request of the Turkish Cypriot side for full membership in the Organization of the Islamic Conference,

Expressing its solidarity with the Turkish Muslim people of Cyprus and its appreciation for their constructive efforts to attain a just and mutually acceptable settlement,

Noting with appreciation the report of the Secretary-General on the situation in Cyprus,

1. *Reaffirms* the total equality of the two parties in Cyprus as the principle enabling them to live side by side in security, peace and harmony without the one having the ability to govern, exploit, oppress or threaten the other;

2. *Urges* the member States to strengthen effective solidarity with the Turkish Muslim people of Cyprus and with a view to helping them to overcome the inhuman isolation which has been imposed upon them to increase and expand their relations in all fields, and in particular in the fields of trade, tourism, culture, information, investment and sports;

3. *Decides* to support, until the Cyprus problem is solved, the rightful claim of the Turkish Muslim people of Cyprus for the right to be heard in all international forums where the Cyprus problem comes up for discussion, on the basis of equality of the two parties in Cyprus;

4. *Requests* the Secretary-General to carry out the necessary contacts with the Islamic Development Bank with a view to seeking the ways and means of the latter's assistance for the development projects of the Turkish Cypriot side;

5. *Decides* to remain actively seized of the request of the Turkish Cypriot side of Cyprus for full membership of the Organization of the Islamic Conference;

6. *Requests* the Secretary-General to take all necessary measures for the implementation of this resolution and to report thereon to the Tenth Session of the Islamic Summit Conference.

United Nations A/55/701–S/2000/1210

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Agenda item 64
Question of Cyprus

Security Council
Fifty-fifth year

Letter dated 18 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 18 December 2000, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 18 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 25 October 2000 (A/55/527-S/2000/1041) addressed to you by the Greek Cypriot representative at the United Nations, which contains allegations of "violations of the airspace of the Republic" and "of the flight information region (FIR) of Nicosia".

It will be recalled that similar allegations of so-called "airspace and FIR violations" were rejected in our previous communications addressed to you, most recently in my letter dated 18 October 2000 (A/55/503-S/2000/1004). I wish to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or any right of say whatsoever.

As stated in my previous letters, the basis of such allegations is the pretence that the sovereignty of the Greek Cypriot administration extends over the entire island, including the territory of the Turkish Republic of Northern Cyprus. This position of the Greek Cypriot side, however, is divorced from the reality that there exist two states on the island, a reality created by the destruction of the 1960 partnership Republic of Cyprus and the usurpation of its title by the Greek Cypriot administration.

The aim of the Greek Cypriot side is to divert attention from its intensified militarization policy being implemented together with Greece within the framework of the Joint Military Doctrine. The Turkish Republic of Northern Cyprus has repeatedly drawn the attention of all concerned to this perilous trend.

The Greek Cypriot daily *Politis* dated 24 October 2000 reported that Greece will donate two gunboats and 12 mobile artillery systems to the Greek Cypriot National Guard. The same newspaper dated 7 November 2000 further reported that the Greek Cypriot administration intends to strengthen the capabilities of the Greek Cypriot National Guard and has already earmarked necessary funds for the purchase of BUK-M1 missile systems as well as 4 Bell helicopters and other types of helicopters equipped with weapon systems. *The Sunday Mail* of 22 October 2000 reported that the Greek Cypriot leader Mr. Glafcos Clerides *"thanked Greece for its support, noting that Athens had given Cyprus military hardware worth £400 million over the past four years"*. In the course of the implementation of the Joint Military Doctrine, particularly with the construction of a military airbase at Paphos (South Cyprus) which has been allocated to Greece, the Greek Cypriot administration has been effectively integrated into the military sphere of Greece.

On behalf of the Government of the Turkish Republic of Northern Cyprus, I strongly protest the policy of escalation pursued by the Greek Cypriot administration as well as its campaign of misinformation against Northern Cyprus and Turkey. I would like to express the hope that the international community would urge the Greek Cypriot administration to abandon its military preparations, which reinforce the crisis of confidence between the two parties, and to direct its efforts towards reconciliation on the island through a new partnership of two States in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

United Nations S/2000/1211

Security Council

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Original: English

Report of the Secretary-General on the situation in Somalia

I. Introduction

1. Members of the Security Council, in their statement of 27 May 1999 (S/PRST/1999/16), requested me to submit periodic reports on the situation in Somalia. The present report is submitted pursuant to that request and covers events since my last report, submitted on 16 August 1999 (S/1999/882).

II. Political developments

A. Peacemaking efforts

2. In the interval between the publication of my previous report and the initiative launched by President Ismail Omar Guelleh of Djibouti in September 1999, Somali leaders and interested Governments continued their efforts to find a solution to the problem of Somalia. On 23 August 1999, a group of Somali leaders who had formed the "Somali Peace Alliance" (SPA) travelled to Djibouti to brief President Guelleh and also travelled to Addis Ababa for similar meetings with Ethiopian authorities. The leaders forming SPA included those of "Puntland", the "Somali Consultative Body", the Rahanwein Resistance Army (RRA) and the Somali National Front (SNF).

3. Another group of faction leaders, including Hussein Mohamed Farah Aidid and Osman Hassan Ali "Atto", assembled in the Libyan Arab Jamahiriya in early September 1999 in an attempt to resolve differences. Colonel Abdullahi Yusuf of "Puntland" also arrived in the country several days later. Mohamed Ibrahim Egal of "Somaliland" declined to attend. Colonel Yusuf refused to meet the other leaders and returned to Somalia through Addis Ababa and Djibouti, where he met President Guelleh. The Aidid group also travelled to Addis Ababa in late October 1999, and Mr. Aidid reportedly agreed to withdraw support from groups considered to be a security threat to Ethiopia. Soon thereafter, Mr. Aidid announced that he had disarmed elements of the Oromo Liberation Front who were in Somalia.

4. President Guelleh, in his address to the General Assembly at its fifty-fourth session, on 22 September 1999, said that he was prepared to lead a new attempt to bring peace and reconciliation to Somalia and establish structures of governance. Lamenting the failure of the Somali warlords to live up to the promises they had made in previous negotiations, President Guelleh stressed that any future process should be linked to Somali civil society. He also declared that warlords should be charged with crimes against humanity, and international sanctions should be imposed on those obstructing the peace process.

5. President Guelleh's address received positive reactions from Somalis both within and outside the country. There were demonstrations in a number of Somali towns and cities in support of his initiative. Initial responses from Somali leaders were also positive. Mohamed Ibrahim Egal of "Somaliland" welcomed the initiative. However, the subsequent deterioration in the relationship between his administration and Djibouti led to the former closing the border at the end of the year. The dispute was resolved in January 2000. Mr. Egal subsequently paid a visit to Djibouti and reaffirmed his support for the Djibouti peace initiative.

6. In January 2000, my Special Representative for Somalia visited Baidoa, Hargeisa and Garowe to consult Somali leaders on the Djibouti initiative. David

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Stephen met the leaders of "Somaliland", "Puntland" and RRA, among others, who expressed support for the initiative but felt that there was a need for certain concepts and issues to be clarified. A similar position was put forward by a group of leaders in Mogadishu in a statement issued in January. Mr. Egal told my Representative that the Djibouti initiative would provide the "south" of Somalia with a leadership with which he could negotiate.

7. Even though the initiative remained in outline form, it received support from external actors. The Standing Committee on Somalia of the Intergovernmental Authority on Development (IGAD) endorsed the Djibouti proposal on 30 September 1999 and the IGAD Partners Forum did likewise on 19 October. IGAD itself, at its summit meeting in Djibouti on 26 November, welcomed and endorsed the Djibouti initiative in principle. Formal endorsement was given by an IGAD ministerial meeting in Djibouti on 27 March 2000. At the meeting of the Partners Forum Liaison Group on Somalia in Djibouti on 7 February, the Djibouti authorities presented a plan of action for a Somali national peace conference. On the whole, the Liaison Group reacted positively to the plan.

8. The first formal move to implement the Djibouti initiative was the holding of the Technical Consultative Symposium, hosted by the Government of Djibouti in March 2000. President Guelleh emphasized that the Symposium was not a decision-making body but a means of providing advice to the Government of Djibouti in its preparations for the conference. The Symposium was attended by about 60 Somalis, invited in their individual capacities, from all parts of the country and from the diaspora. My Special Adviser, Mohamed Sahnoun, represented the United Nations.

9. The Symposium recommended, inter alia, that the process should be made as inclusive as possible by allowing the participation of faction leaders who desired peace and by enhancing the role of civil society within Somalia and in the diaspora. On the future structure of government, the Symposium recommended a decentralized arrangement as well as consolidation of peace in areas in which peace had been restored; the establishment of a human rights commission to monitor violations of the peace process; the departure of and the rehabilitation of militia members, with the conversion of some of them into a national army. If necessary, the transitional government could call for an international force to assist in matters of security. The delegates also recommended stricter enforcement of the Security Council arms embargo on Somalia, stressed the need for international support for a future agreement by Somalis and called upon Djibouti to send delegations to Somalia to prepare for the Somali National Peace Conference.

10. During March and April 2000, the Government of Djibouti consulted further with Somalis from all clans and walks of life. A delegation of representatives of the Islamic courts from Mogadishu told my Representative that their organizations fully supported the Djibouti peace proposal. A group of influential Somali businessmen visited Djibouti in March 2000 and pledged moral and material support for the Conference.

11. On 2 May 2000, the first phase of the Somali National Peace Conference, a meeting of traditional and clan leaders, was formally opened in the town of Arta, which is located approximately 40 kilometres north of Djibouti. Participants included elders from most of Somalia's clans and from all parts of the country. The first phase of the Conference concluded on 13 June. In addition to working on reconciliation issues among the clans, the Conference prepared for the second phase by drawing up an agenda and lists of delegates representing clans. The delegates included political, business and religious leaders, as well as representatives of civil society. President Guelleh formally inaugurated the second phase on 15 June. The total number of delegates was 810, made up of four delegations of 180, each including 20 women, representing the four main clan families, plus 90 minority alliance representatives, including 10 women. The elders who had participated in the first phase of the Conference were allowed to attend as members of delegations, but without a vote. On 17 June, delegates and traditional leaders unanimously elected as co-chairmen a former mayor of Mogadishu and the then Secretary-General of RRA. Four vice-chairpersons, including one woman, were also appointed.

12. After deliberating in committee and plenary sessions for a month, the delegates approved the

Siad Barre regime. It also sets out structures for executive, legislative and judicial powers, as well as the rights of individuals. These include, for the first time in Somali history, a specific requirement that 25 seats in parliament be set aside for women. A representation of 24 seats for minority clans was also agreed upon. The Charter will be the supreme law until a definitive federal constitution for Somalia is adopted at the end of the transition period. It also provides for the election of a 225-person Transitional National Assembly.

13. In early August, in accordance with the provisions of the Charter and on the basis of nominations from clans, delegates selected the 225 members of the Assembly. This proved to be an arduous process, since serious differences emerged about the number of seats to be allotted to each clan. The Somali National Peace Conference later gave President Guelleh the right to use his own discretion to select a further 20 parliamentarians. This was seen as a way of defusing tensions.

14. The Transitional National Assembly convened for the first time on 13 August and a few days later elected Abdalla Deerow Issaq as its Speaker. When nominations for the presidential elections closed, there were 45 candidates, 16 of whom entered the electoral contest on 25 August. The election was won by Abdikassim Salad Hassan on 26 August, and the next day he was inaugurated as President at a ceremony held at Arta. Those present included the Presidents of Djibouti, Eritrea, the Sudan and Yemen and the Prime Minister of Ethiopia. In addition to the diplomatic community accredited in Djibouti, senior officials from France, Italy, Kenya, the Libyan Arab Jamahiriya and Saudi Arabia, as well as senior representatives of the Organization of African Unity, the League of Arab States and IGAD witnessed the inauguration. My Representative read a message on my behalf.

B. Activities of the Transitional National Assembly and the Transitional National Government

15. In an address to the delegates to the Somali National Peace Conference on 28 August, Mr. Hassan would be incorporated into the new Somali army. On 30 August, Mr. Hassan visited Mogadishu and Baidoa together with members of the Transitional National Assembly and was welcomed by large crowds.

16. Mr. Hassan proceeded to Cairo, where he addressed the ministerial meeting of the League of Arab States and met with Egyptian officials. He then flew to New York and participated in both the Millennium Summit and the general debate of the General Assembly. Mr. Hassan, or his Prime Minister, has since visited the Libyan Arab Jamahiriya, Yemen, Ethiopia, Kenya and Uganda. Mr. Hassan also participated in the summit meeting of the League of Arab States, held at Cairo on 21 and 22 October, and the summit conference of the Organization of the Islamic Conference, held at Doha from 12 to 14 November 2000.

17. At the IGAD summit meeting, held at Khartoum on 23 and 24 November, Mr. Hassan was the first Somali leader since 1991 to be re-admitted to the seat of Somalia in the organization. The acceptance of the Transitional National Government by Somalia's immediate neighbours represents an important development in the country's return to the community of nations.

18. On 8 October, Mr. Hassan announced the appointment of Ali Khalif Galaydh as Prime Minister. Soon thereafter, Mr. Galaydh named Ismail Mohamed Hurreh "Buba" as Minister for Foreign Affairs. Members of the Transitional National Assembly returned to Mogadishu during the first two weeks of October and the President and Prime Minister returned on 14 October. The following week, Mr. Galaydh announced the appointment of a deputy prime minister and 22 ministers. The appointees, all of them men, included representatives of all major clans, and one from an ethnic minority group. A week later, the Prime Minister announced the appointment of 45 assistant ministers, 5 ministers of state and the Governor of the Benadir region (Greater Mogadishu). Of these, 4 were women.

19. Mr. Hassan is giving priority to the security situation in Mogadishu. A security committee has been established. Demobilization and disarmament of the various militias is reportedly taking place. A police

the National Demobilization Authority, who was killed the next day by gunmen allegedly associated with one of the warlords opposed to the Transitional National Government.

20. Following the call by Mr. Hassan for interested entities to assist in reconciling the Transitional National Government with those who had stayed away from the peace process, the Government of Italy sent envoys to consult with the leaders of "Somaliland" and "Puntland". They have reported their findings to Mr. Hassan in Mogadishu. President Ali Abdallah Saleh of Yemen has twice received some of the faction leaders from Mogadishu. From 18 to 22 November, Mr. Hassan was in Yemen. In late November, Mr. Hassan visited the Libyan Arab Jamahiriya. Reports indicated that the Libyan leader offered to assist in the reconciliation process.

C. Reactions of Somali leaders to the Djibouti initiative

21. In early February, subsequent to Mohamed Ibrahim Egal's endorsement of the Djibouti initiative (subsequently known as the Arta peace process) and after he had visited President Guelleh on 28 January, 60 "Somaliland" parliamentarians denounced the initiative and reportedly passed a law declaring that any "Somalilander" attending the Conference would be considered a traitor and liable to the death penalty. Two "Somalilanders" were imprisoned in Hargeisa after visiting Djibouti. On 28 August, the Egal administration issued a decree giving sweeping powers to a "national" security committee empowered, inter alia, to suspend habeas corpus and ban public demonstrations. On 17 September, a court in Berbera sentenced a senior traditional leader of the Dulbahante clan from the Sool region to seven years in prison for attending the Arta Conference. The leader was subsequently pardoned by Mr. Egal. A representative of the United Nations High Commissioner for Human Rights was present at the trial. In similar fashion, Mr. Egal detained Sultan Abdul Kadir and five others who had participated in the Arta Conference and, on 19 November, pardoned them as well.

22. Djibouti sent a delegation to "Somaliland" on 14 April to brief Mr. Egal and seek his participation, but the delegation was not allowed to disembark or enter into negotiations only with someone who could claim legitimacy over the southern regions of Somalia. After the adjournment of the Somali National Peace Conference, a delegation led by the "foreign minister" of "Somaliland", travelled abroad, including to New York, to explain the position of "Somaliland".

23. On 23 March, Colonel Yusuf stated that "Puntland" was withdrawing its support for the Arta peace process. Among other things, he objected to what he claimed was the hand-picking of delegates to the Technical Consultative Symposium; unwillingness on the part of Djibouti to accept advice on the legitimacy of a building blocks approach; the holding of meetings in secret; and the imposition of decisions. Following the statement by Colonel Yusuf, there were demonstrations in a number of major towns in "Puntland" in favour of the peace process. The Government of Djibouti denied the claims of the "Puntland" authorities and reiterated that the process belonged to all Somalis.

24. On 18 April, the Government of Djibouti dispatched a delegation to Garowe to brief "Puntland" elders and the administration. Eventually, Colonel Yusuf agreed that the elders could proceed to Djibouti to attend the first phase of the Conference. Some of the "Puntland" elders returned to Garowe, ostensibly to brief their constituencies, but did not return to Arta. On 17 June, Colonel Yusuf announced that the "Puntland" delegation had withdrawn from the Somali National Peace Conference and stated that those remaining did not have the mandate of the people. After the Arta Conference, he maintained that "Puntland" had not participated in it and that it would not recognize its outcome. However, he assured the United Nations Political Office for Somalia (UNPOS) that he would not resort to force unless Mr. Hassan's forces attacked him.

25. Although representatives of various sub-clans took full part in the Arta Conference, a number of the faction leaders from Mogadishu stayed out of it. On several occasions the Government of Djibouti sent delegations to Mogadishu. Subsequently, Mogadishu faction leaders, including Hussein Aidid and Ali "Atto", rejected the outcome of the Arta Conference. Some threatened that Mr. Hassan would be prevented from entering Mogadishu. In a statement issued on 30 October, six Mogadishu faction leaders accused

claimed that they were people of peace who did not intend to fight in Mogadishu unless they were forced to do so. They deplored the importation of banknotes by Mogadishu businessmen and said that only an all-inclusive government could open the Mogadishu seaport.

26. On 25 and 26 October, at a meeting in Garowe, the leaders of "Puntland", RRA and the Somali Patriotic Movement declared that Somalia should be a federal state made up of "Puntland" state, Northwestern state ("Somaliland"), Central state and Southwestern state, the latter consisting of the Lower Shabelle, Bay, Bakool, Gedo and Lower and Middle Jubz regions. The group called for a national reconciliation conference and for a technical committee to draft a charter. They also called on interested countries and organizations to assist both existing "regional states" and those to be set up.

D. Role of the United Nations

27. On 1 September and 3 December 1999 and 24 April 2000, the Under-Secretary-General for Political Affairs convened ambassadorial meetings of external actors on Somalia in New York. The representative of the Government of Djibouti briefed the meetings on the Somali National Peace Conference. The ambassadors who spoke at the meeting generally supported the efforts of Djibouti and called upon others to do the same.

28. UNPOS has continued to monitor the political situation in Somalia and to encourage Somali leaders and the international community to work together to restore peace in the country. At my request, my Representative travelled to Djibouti on 1 February 2000 to assist and support the Djibouti efforts. He remained there until the conclusion of the process. Colleagues from the United Nations Somalia team, including the Resident and Humanitarian Coordinator and the Human Rights Officer, joined the UNPOS team from time to time throughout the process.

29. Prior to the launching of the Djibouti plan of action, UNPOS convened in Nairobi on 16 November 1999 a forum that brought together over 500 Somalis of different backgrounds, including faction leaders and representatives of civil society and minority groups. The forum provided an opportunity for Somalis to express their views in the presence of representatives of the international community. Although some of the Somali speakers were critical of certain aspects of the Djibouti proposal, the vast majority welcomed the new initiative.

30. The specialized agencies of the United Nations system contributed to the peace process by offering technical support in their areas of competence, thus also fostering regional confidence-building. The Programme for Education for Emergencies and Reconstruction (PEER) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) supported a Djibouti non-governmental organization, l'Association pour le developpement et l'animation culturelle, which staged the first Regional Musical Festival for the Horn of Africa (FEST'HORN) in Djibouti from 5 to 10 May 2000 as part of a celebration of the culture of peace, dedicated to Somalia. Artists from Djibouti, Egypt, Ethiopia, Somalia and the Sudan performed at the Palais du peuple in Djibouti and also for the conference delegates at Arta. United Nations Development Programme (UNDP) provided technical assistance for various aspects of the Conference itself.

31. In the course of the Djibouti process, my Representative made several attempts to engage the "Somaliland" administration. He visited Hargeisa on 8 March 2000 for talks with senior ministers, which were inconclusive. In July, he was successful in establishing direct talks between President Guelleh and Mr. Egal. Unfortunately, the talks did not lead to the participation of the Egal administration in the Arta Conference. In September, he tried to encourage dialogue between Messrs. Egal and Hassan. Mr. Egal told my Representative that he would not talk to Mr. Hassan as long as the latter claimed to be the President of all of Somalia.

32. Concern has been expressed by the independent expert appointed by the Secretary-General in connection with the question of human rights in Somalia about threats of punishment by the administrations of "Somaliland" and "Puntland" against individuals from the two regions attending the Arta Conference. In a press release issued on 10 July, the independent expert drew attention to the action of the "Somaliland" authorities in arresting and seeking to

independent expert has also raised the question of the killing in "Somaliland" of an army officer, allegedly for opposing the forcible deportation of Majerten leaders who had wished to travel to Arta.

33. I have been in touch with President Guelleh during the course of the Somali National Peace Conference and he has shared with me his assessment of the progress achieved at Arta. He has asked me to garner support for the peace effort, including financial assistance. I would like to express my gratitude to Iceland, Norway and the United Kingdom of Great Britain and Northern Ireland, which have responded positively to my appeal, as of the date of the present report.

III. Security situation

34. The security situation in north-western and north-eastern Somalia remains relatively calm, with occasional incidents of banditry and other criminal acts. In the central and southern parts of the country, the security situation continues to be uncertain and sometimes extremely tense. Extended parts of coastal areas, such as the area between Galcayo and Adado, are not under the control of any effective regional authority. They continue to be dominated by pirates and the risk for the personal safety of international staff is very high. Some parts of the country, including the area around Kismayo, can be described as anarchic. There have also been sporadic local skirmishes in other areas. They involved intra-Marehan clan fights in the Gedo region, conflicts between RRA and the Digil Salvation Army and Habr-Gedir militia in the Lower Shabelle region.

35. Banditry is rampant in Mogadishu. There is no single authority for the maintenance of law and order. Significant parts of the city continue to be under the control of the different militias, including the seaport and the airport, which remain closed, the former government blocks and the main city market. The Transitional National Government has only limited control of the Greater Mogadishu area. A member of the Transitional National Assembly was killed on 12 November at his residence in Mogadishu, in what was apparently a political assassination.

36. Several Somali aid workers have lost their lives during the period under review. On 19 August 1999, Organization (WHO), was killed in Hargeisa Yarey Village in Middle Juba. On 13 September, the Somali administrator of the Dutch non-governmental organization Memisa, Faisal Ali Gurhan, was shot and killed in his office at Garbaharey by SNF gunmen (a total of 10 people were killed during the fighting). On 15 September, Somali bandits ambushed a vehicle of the United Nations Children's Fund (UNICEF) being used to transport senior health officials and local staff members, killing Dr. Ayub Sheikh Yarrow Abdiyow and wounding five others, one of whom subsequently died in hospital. The incident took place near Jowhar in Middle Shabelle. On 18 October, two national officers of the World Food Programme (WFP) were fired upon at El Bur, in the Galgadud region. They were withdrawn safely from the area.

37. On 11 September 1999, a British citizen, Alan MacLean, was killed, allegedly by pirates, while sailing off the north-east coast of Somalia. On 6 June 2000, Dieter Krasemann, a German national working for the German Technical Cooperation Agency was killed at Burao, "Somaliland". On 8 June, an aircraft used by the humanitarian programmes of the European Commission was fired upon and struck in the wing as it landed at Merka. On 15 June, a grenade was tossed into the Merka compound of an Italian non-governmental organization, Cooperazione Internazionale per lo Sviluppo. According to some reports, this was an attempt by Islamic "fundamentalist" elements to prevent the celebration of the Day of the African Child. No one was hurt.

38. On 26 July, a French national, Françoise Deutsch, and a British national, John Ward, both staff members of the Paris-based international non-governmental organization Action contre la faim, were kidnapped and held hostage in Mogadishu. They were released on 18 September after negotiations that reportedly involved Mr. Hassan and his security advisers. Although it was reported that no ransom had been paid, reports reaching UNPOS indicated that the release was negotiated and financed by local businessmen.

39. In August 1999, President Daniel arap Moi of Kenya, announced a ban on all air travel between Kenya and Somalia. The land borders had been sealed previously. Although President Moi eventually lifted the bans, he suggested that they had been put in place in reaction to an increased flow of arms from Somalia into Kenya. On 4 October, Mr. Hassan expressed

concern about the flow of arms into Somalia from an unnamed neighbouring country.

IV. Humanitarian conditions

40. Following the severe drought that lasted from the end of 1999 through the first quarter of 2000, humanitarian needs have decreased significantly across most of Somalia. This change has occurred since June, primarily owing to favourable environmental conditions. As a result, the estimated number of Somalis facing food insecurity has declined from 750,000 to below 400,000. In response, United Nations agencies are now developing assistance strategies to promote the mid-term recovery of the livelihood of poor and displaced populations. While it is still too soon to declare an end to the cycle of crises rendering the lives of millions of Somalis vulnerable to uncertain climatic, economic and security conditions, the lull in relief requirements enables aid agencies to focus on emergency prevention and support for local, community-based emergency preparedness and coping initiatives.

41. During the long dry season from December 1999 to April 2000, the Gedo, Bakool and northern Hiran regions were considered the most drought-affected areas of Somalia. Numerous nutritional surveys conducted in southern Somalia reported global malnutrition rates of over 20 per cent, whereas 15 per cent global malnutrition is generally accepted as the threshold for declaring an emergency. In response, WFP has succeeded in improving the quantity and timing of distributions to match better the district-level food-need estimates provided by the Food Security Assessment Unit of the Food and Agriculture Organization of the United Nations (FAO) and the UNICEF nutrition assessments. Similarly, FAO has successfully distributed seeds and tools to assist in building the productive capacity of rain-fed and irrigated farming. Further, given that malnutrition in Somalia is not caused simply by lack of food, intersectoral assistance to address related factors, in particular sanitary conditions, access to water and the availability of medical care, became the focus of United Nations coordination activities and UNICEF supplementary feeding programmes.

42. Three weeks of heavy rainfall from the end of [illegible] regeneration in most areas. In August, field reports confirmed these generally positive results. Seasonal crop production (estimated at 214,000 metric tonnes) was good when compared to the average post-war production (175,000 metric tonnes) but remains poor when compared to pre-war production (350,000 metric tonnes). By September, the harvest had lowered market food prices in most areas. Nonetheless, concern remained about some areas that had received less than average rainfall, particularly the Lower Juba, Middle Juba and Gedo regions. The future status of populations resident in these areas depends heavily on the success of the short rainy season in November 2000. The reported flooding in Middle and Lower Shabelle since late November could be a precursor to a major emergency.

43. While humanitarian concerns may have lessened on the national level, pockets of vulnerability remain. As of October, field reports indicated that the bumper harvest might provide only temporary respite for many communities in southern Somalia. Without further improvements in their livelihood, many communities will face more food and water insecurity in the coming months. Long-term processes of destitution, including land alienation, internal displacement, economic collapse and the destruction of productive infrastructure, have not affected all households equally. These processes have stratified livelihood conditions between rich and poor households within Somali communities and generated grave disparities in the distribution of humanitarian need. The dispersion of displaced persons and other destitute groups amid populations with more assets and higher living standards renders their plight less visible to the international community and decreases the perceived urgency of humanitarian responses.

44. An example of varying humanitarian conditions even within the same geographical location was illustrated in June by Action contre la faim, which conducted a nutritional survey of the internally displaced populations in Mogadishu. The survey accessed 60 per cent of the internally displaced population on all sides of the "green lines". A total of 12.9 per cent global malnutrition, including 2 per cent severe malnutrition, was observed. This is a significant reduction since the last survey in 1995, which identified a global rate of 26 per cent. Casual observation indicates that the situation in south

It is expected that conditions are generally better for the city's non-internally displaced resident population but worse for those internally displaced populations that the survey (and hence aid agency activities) could not reach.

45. Following the first-ever recorded outbreak of Rift Valley fever in the Middle East, the imposition of an embargo on the importation of livestock from the Horn of Africa was announced by the Government of Saudi Arabia on 19 September. All other countries on the Arabian peninsula followed the Saudi initiative, banning the importation of both live animals and processed meat. To date, no cases of Rift Valley fever have been identified in either livestock or human populations in Somalia. Since this ban on the importation of livestock from the Horn area is more comprehensive than the previous ban in 1998, involving more countries and all livestock species, the implications for food security and economic development are very grave. As of October, reports indicated sharp declines in livestock prices in northern and central regions. By restricting trade opportunities, the ban will inevitably reduce employment opportunities and affect access to other important income sources throughout the economy.

46. Cholera, which is endemic in Somalia, with outbreaks occurring annually since 1994, returned to Somalia in December 1999. The epidemic peaked between 15 and 21 April 2000, when 1,022 cases and 145 deaths were recorded. Case fatality rates were high this year, particularly in the Bay region, where the Dinsoor district reported a rate of 25.8 per cent. Following the heavy rains in April and May, morbidity decreased across central and southern Somalia, until all cholera treatment centres were closed by June. During the 1999-2000 cholera epidemic, 9 of Somalia's 18 regions reported outbreaks. In the areas where international non-governmental organizations with strong medical expertise are located, the strength of cholera preparedness and response measures were evidenced by low case fatality rates. Fortunately, the most populous regions that are regularly affected by cholera (e.g. Mogadishu and Kismayo) were covered by these agencies. In areas with either non-medical international non-governmental organizations or no non-governmental organizations at all, preparedness was minimal and case fatality rates were high. This was the case in rural areas, where cholera outbreaks

future cholera outbreaks, agreement was reached within the Somalia Aid Coordination Body to provide training for key international and national staff from less experienced agencies and to form a team of health-care professionals to assist in initiating control measures in areas without any aid presence. WHO and UNICEF undertook such initiatives in the Gedo and Bay regions in 2000, although conflict in some areas impeded access.

47. Health surveillance by United Nations agencies and partners of the Somalia Aid Coordination Body confirmed in July that a Kala Azar epidemic was affecting much of southern Somalia. Kala Azar, an immuno-suppressant disease, proves fatal in 95 per cent of cases within six months. Owing to the vague clinical presentation of the disease, Kala Azar symptoms are often confused with tuberculosis, AIDS, malaria and other diseases. Although the extent of the epidemic cannot be confirmed given the limited resources and access conditions, dozens of cases have been detected from Lower Juba and Gedo to Bakool. Médecins sans frontières has taken the lead in conducting evaluations and laboratory tests and supplying drugs. Treatments have been provided by the "Gedo group" of international non-governmental organizations and Médecins sans frontières in Bakol. UNICEF and WHO are supporting these efforts through the procurement of new testing materials and the training of field health staff.

48. Other than the annual outbreak of cholera and the onset of the Kala Azar epidemic, no new diseases were reported in Somalia over the past year. Nonetheless, there is continuing concern over the prevalence of tuberculosis and measles. In response, UNICEF and WHO immunization programming has been increased. In addition to preventing outbreaks, these agencies are targeting health assistance to support household resource bases by increasing access to public services, such as water, education and health, and reducing essential household expenditures. Among other activities in the water and environmental sector, UNICEF has continued to increase community access to clean water and improved sanitation by rehabilitating urban water systems, repairing boreholes and hand-dug wells, constructing latrines for primary schools and working with water and sanitation committees across the country to undertake sanitation and hygiene control.

49. Long-term development efforts have remained concentrated in the north-west ("Somaliland") and north-east ("Puntland"). Through various projects, United Nations agencies have helped the two northern administrations to promote good governance and strengthen their capacity for planning, public administration, economic management, law enforcement, demining and urban planning. The efficient management of Somalia's important trade infrastructure — airports, seaports and telecommunications — is an important element of economic recovery, as well as the primary revenue source for the local administrations. United Nations agencies have provided technical assistance to increase the efficiency of these key facilities and to identify the specific development needs for bilateral donor consideration. In this respect, the United Nations has worked closely with the local authorities and with other international actors to provide an enabling environment for business growth, thereby seeking to reduce unemployment and supporting continued peace and stability. United Nations agencies have helped the private and public sectors to promote the expansion of trade and transportation links to regional markets.

50. In addition, United Nations agencies have strengthened participatory approaches and preliminary rehabilitation in southern Somalia. On average, only 1 in 10 children of primary school age is enrolled in school. During the past year, UNICEF rehabilitated 70 schools, thus expanding access to education for over 12,000 children. In addition, UNICEF, UNESCO and the United Nations Development Fund for Women (UNIFEM) have been instrumental in organizing and supporting local resources for peace, with special emphasis on women's organizations.

51. Alongside the improved food security conditions, Somali populations are looking to benefit from the establishment of the Transitional National Government following the conclusion of the Somali National Peace Conference at Arta. United Nations agencies have initiated a planning process through the consolidated appeal for 2001 and intensive consultations with partners of the Somalia Aid Coordination Body to develop strategies to support both immediate livelihood needs and the continuing transition towards peace, stability and respect for human rights. Although the security situation remains fragile, there have so far been no developments that affect the general security conditions do continue to hinder aid agency access in many parts of southern Somalia.

52. In view of Somalia's long-standing conflict, economic collapse, lack of media coverage and donor fatigue, the response to previous appeals for humanitarian assistance has been limited. The consolidated appeal for 2000 to date has received contributions covering some 60 per cent of the requested funding. Mid- and long-term programmes needed to sustain and rehabilitate livelihoods remain poorly funded. The aid assistance required to act as a buffer against future emergencies, such as rehabilitation of water sources, repair of river embankments, education programmes, eradication of female genital mutilation, prevention of HIV/AIDS infection and protection of assets for pastoral communities, has not been forthcoming.

V. Observations

53. The Djibouti initiative for peace in Somalia was a welcome development that was launched in the absence of any other viable peace process in the country and that President Guelleh took forward with a mandate from and the support of IGAD member Governments. The United Nations, the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the European Union also supported the initiative.

54. The Djibouti process was intended to have a broader basis and greater legitimacy than previous peacemaking efforts. Somali elders from all parts of the country, representatives of clans and, for the first time, Somali women were involved actively in discussions on how to embark on the road to peace in Somalia. This is the major asset for the Transitional National Government as it moves to the next stage of the process.

55. The Transitional National Government is now located in Mogadishu. It has begun the process of establishing itself on Somali soil and expanding the areas under its influence. It has three years, until 2003, in which to prepare for the installation of permanent governance arrangements. During that period, basic political, economic and development challenges will have to be addressed by the new authorities. They will have to complete the task of creating a government of

unity and reconciliation. They will also have to prepare for democratic elections.

56. At the same time, massive challenges of reconstruction and development confront Somalia. No country has ever been so long without central authority. According to the UNDP *Special Human Development Report on Somalia, 1998*, socio-economic indicators for 1997 and 1998 place Somalia at the very bottom of the human development index rankings worldwide. The destruction caused by the cycle of civil war, state collapse and anarchy is total. To recover from a decade of statelessness and conflict will involve not only the remaking of political society but also the total reconstruction of the country's basic infrastructure.

57. The absence of some Somali politicians and leaders from the Djibouti process has posed two immediate challenges for the new authorities: how to incorporate into the peace process those who are opposed to it and to its outcome, some of whom are heavily armed; and how to work out relations with the authorities in "Somaliland" and "Puntland" without jeopardizing the relative peace and stability in those two regions. As regards the latter, the basic challenge is to work out, in a spirit of mutual respect, practical arrangements between the Transitional National Government and those authorities.

58. I welcome Mr. Hassan's commitment to achieving progress by peaceful means. I hope that Somalis on all sides will do everything possible to solve the remaining issues in a peaceful and constructive way and in the interest of the common good. The United Nations and the international community in general should be prepared to assist the people of Somalia in the realization of this goal.

59. It will clearly take time for the Transitional National Government to prepare a comprehensive development plan and seek international financial support for it at an international pledging conference. However, even in advance of such a conference, there is an immediate need for urgent assistance, especially in the areas of demobilization, disarmament and rehabilitation of basic infrastructure. The repatriation of Somali refugees — hundreds of thousands of whom are in neighbouring countries — will be both a challenge and an opportunity.

60. United Nations agencies are working on plans to assist in the reconstruction and rehabilitation of "First steps", an operational plan to support governance and peace-building in Somalia for the period from September to December 2000, was launched in Nairobi in the autumn. It was prepared by all the United Nations agencies resident in Nairobi under the auspices of the United Nations Regional and Humanitarian Coordinator, in full consultation with the Somalia Aid Coordination Body, an umbrella partnership of donor Governments, United Nations agencies and intergovernmental organizations concerned about the situation in Somalia. I appeal to the potential donors to contribute without delay the resources needed for implementation of the plan.

61. As I stated in my previous reports on Somalia (S/1997/135 and S/1999/882), the establishment of a trust fund for Somalia could be an important indicator of the commitment of the international community to support the search for peace in Somalia. It is my intention, therefore, in anticipation that political and financial support will be forthcoming from Member States, to put in place a trust fund for peace-building in Somalia.

62. In my last report (S/1999/882), I urged the international and national financial institutions as well as donor Governments to propose creative mechanisms to engage Somalia. Then, there were no established state institutions. Today, the situation is changing. The Transitional National Government provides the Bretton Woods institutions with the opportunity of forging partnerships in the rebuilding of state and private institutions. It is my hope that the World Bank and the International Monetary Fund will take up the challenge.

63. In the light of the request made by President Guelleh on 14 September 2000, the Security Council may wish to consider what action might be appropriate to enhance the success of the Djibouti peace process by consolidating its achievements. I stand ready to prepare a proposal for a peace-building mission for Somalia. A key function of such a mission, which I expect to be based inside Somalia, would be to assist in the completion of the peace process. The Office of the United Nations Security Coordinator would be closely involved in the elaboration of options on the relocation of the United Nations in Somalia.

64. Given the current security situation, locating United Nations staff in the capital would be possible

security in the city has been established. It would be a good sign if full operations for all traffic were restored in both the seaport and airport and if free and safe access to all districts of the city were guaranteed, with no "green lines" to cross.

65. As the people of Somalia tackle the challenges I have outlined, they will need the sympathetic understanding and support of the international community. The search for peace and prosperity in Somalia will not be smooth, nor will peace be achieved quickly. As a result of the Djibouti process, a major step forward has been taken in the search for peace in Somalia. The priority now, for Somalis and for the international community, is to ensure that the process continues and advances.

66. I wish to recognize and pay warm tribute to the enormous efforts and sacrifice of the Government and people of Djibouti in helping to bring peace and reconciliation to Somalia. It has placed a heavy burden on a small State — one that has been carried willingly and with great distinction. I also wish to acknowledge the sustained efforts of my Representative for Somalia, David Stephen, to support the Djibouti initiative and indeed the positive role played by the whole of UNPOS and the United Nations team in Somalia.